S. R. A.—Chem. Suppl. 15. Issued May 19, 1916.

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 4201–4250, and Correction of N. J. 4089.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 26, 1916.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

Correction of Notice of Judgment 4089. Adulteration of milk. U. S. v. Ed. Renner. Plea of guilty. Fine, $25 and costs. (F. & D. No. 5726. I. S. Nos. 439–h, 442–h.)

In Notice of Judgment 4089, as published on page 119 of S. R. A., Chem. Suppl. 12, issued February 25, 1916, the numbers of organisms per cc were incorrectly stated in terms of thousands instead of millions. Following is the correct statement of the results of analyses of samples of the product made by the Bureau of Chemistry of this department:

	Organisms per cc.		*B. coli* group per cc.	Streptococci per cc.
	Plain agar, 25° C.	Litmus lactose agar, 25°C.		
Sample 1:				
No. 1	19,000,000	16,000,000	1,000	10,000
No. 2	20,000,000	15,000,000	1,000	100,000
Sample 2:				
No. 1	15,000,000	14,000,000	1,000	1,000,000
No. 2	17,000,000	15,000,000	1,000	1,000,000

C. F. Marvin, *Acting Secretary of Agriculture.*

4201. Adulteration of canned beans. U. S. * * * v. 17 Cases of Canned Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6451. I. S. No. 2765-k. S. No. E-247.)

On April 20, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 17 cases of canned beans, remaining unsold in the original unbroken packages at Lowell, Mass., alleging that the product had been shipped and transported from the State of Maryland into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that the same consisted in part of a filthy, putrid, and decomposed vegetable substance.

On June 22, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product consisted of a putrid substance.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4202. Adulteration and misbranding of vinegar. U. S. * * * v. Levi Jacob Dawson et al. (Consolidated Cider & Vinegar Co.). Pleas of guilty. Fine, $50 and costs. (F. & D. No. 6453. I. S. No. 9121–h.)

On July 10, 1915, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Levi Jacob Dawson and Derwood Dawson, copartners, trading as the Consolidated Cider & Vinegar Co., Memphis, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about June 28, 1913, from the State of Tennessee into the State of Texas, of a quantity of vinegar which was misbranded. The product was labeled: (On jug) "Tennessee Belle Brand Apple Cider Vinegar Bottled By Consolidated Cider & Vinegar Co. Memphis, Tenn. Trade CC & V Co. Mark. Sterilized and Filtered. Reduced to Legal Strength Weight 1 Lb. 10 Oz. Or More."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Glycerin (grams per 100 cc)	0.11
Solids (grams per 100 cc)	0.97
Nonsugar solids (grams per 100 cc)	0.85
Reducing sugars after evaporation (grams per 100 cc)	0.12
Lead precipitate: Almost none.	
Polarization	0.0
Ash (grams per 100 cc)	0.152
Water-soluble ash (grams per 100 cc)	0.117
Water-soluble ash (grams per 100 cc)	0.037
Alkalinity of water-soluble ash (cc N/10 acid per 100 cc)	14.0
Total phosphoric acid (as P_2O_5) (mg per 100 cc)	8.65
Total acid (grams per 100 cc)	4.10
Formic acid (Finke) (mg per 100 cc): Less than 2.	
Alcohol (per cent by volume)	0.68

These results show that the product contains a material proportion of distilled vinegar.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, distilled vinegar or dilute acetic acid, had been mixed and packed with the article so as to reduce or lower and injuriously affect its quality and strength, and for the further reason that a substance, to wit, distilled vinegar or dilute acetic acid, had been substituted in part for apple cider vinegar which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale and sold under the distinctive name of another article, to wit, apple cider vinegar, whereas, in truth and in fact, it was not an apple cider vinegar, but was a mixture of apple cider vinegar and distilled vinegar or dilute acetic acid made in imitation of apple cider vinegar. Misbranding was alleged for the further reason that the statement, to wit, "Apple Cider Vinegar," borne on the label of the article, was false and misleading in that it represented said article to be wholly apple cider vinegar, whereas, in truth and in fact, it was not wholly apple cider vinegar, but was a mixture of apple cider vinegar and distilled vine-

gar or dilute acetic acid. Misbranding was alleged for the further reason that the article was labeled "Apple Cider Vinegar" so as to deceive and mislead the purchaser into the belief that it was wholly apple cider vinegar, whereas, in truth and in fact, it was not wholly apple cider vinegar, but was a mixture of apple cider vinegar and distilled vinegar or dilute acetic acid.

On August 24, 1915, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

4203. Adulteration of tomato paste. U. S. * * * v. 50 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6463. I. S. No. 756–k. S. No. E–251.)

On April 23, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 50 cases of tomato paste remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped and transported from the State of New Jersey into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that the same consisted in part of a filthy, putrid, and decomposed vegetable substance.

On May 20, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product consisted of a putrid substance.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4204. Adulteration of beans. U. S. * * * v. 105 Bags of Beans * * *. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 6465. I. S. No. 11762-k. S. No. C-195.)

On April 23, 1915, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 105 bags, more or less, of a food product purporting to be beans, remaining unsold in the original unbroken package at Manitowoc, Wis., alleging that the product had been shipped, on or about February 15, 1915, and transported from the State of Michigan into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted of 52.5 [50.5] per cent of partly decomposed beans, which rendered said food product injurious and unfit for human food.

On July 10, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal under such terms and conditions as were not in violation of the Food and Drugs Act.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product was injurious.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4205. Adulteration and misbranding of vinegar. U. S. * * * v. 40 Barrels of Vinegar * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6467. I. S. No. 13841–k. S. No. C–197.)

On April 26, 1915, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 barrels of vinegar, remaining unsold in the original unbroken packages at Cabot, Ark., alleging that the article had been shipped and transported from the State of Tennessee into the State of Arkansas and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Southern Beauty Brand Apple Vinegar, diluted to four per cent acid strength."

It was alleged in the libel that the barrels of vinegar were misbranded in violation of the Food and Drugs Act, the label upon each of said barrels of vinegar being "Southern Beauty Brand Apple Vinegar, diluted to four per cent acid strength," whereas an analysis showed that the product was not apple vinegar, as labeled, but consisted wholly or in part of distilled vinegar or of dilute acetic acid, which had been substituted for and mixed with said apple vinegar so as to reduce and lower and injuriously affect its quality and strength, whereby the said product was adulterated and misbranded in violation of the Food and Drugs Act.

It was further alleged that the label upon each of the barrels was a misnomer and was untrue; that said label was false and misleading, and as such was a [in] violation of the Food and Drugs Act.

On June 15, 1915, the Dawson Bros. Manufacturing Co., Memphis, Tenn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of $500, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

4206. Adulteration of walnut meats. U. S. * * * v. 16 Drums of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6469. I. S. No. 17849-k. S. No. W-43.)

On April 24, 1915, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 drums of walnut meats, remaining unsold in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped, on or about March 10, 1915, and transported from the State of California into the State of Utah, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the walnut meats were adulterated in that they were dark colored, rancid, filthy, and totally unfit for food.

On May 24, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

4207. Adulteration and misbranding of beans. U. S. * * * v. 53 Bags of Beans * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6470. I. S. No. 3027–k. S. No. E–250.)

On April 23, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 53 bags of beans, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped and transported from the State of Michigan into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel because said product contained cull beans, apparently polished, dirt and stones, frosted beans, anthracnose beans, discolored beans, and decomposed vegetable matter.

Misbranding was alleged for the reason that the containers of the article bore no marks or labels which referred to the contents of said containers.

On June 11, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

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4208. Adulteration and misbranding of pepper. U. S. v. 5 Barrels * * * of * * * Pepper. Consent decree of condemnation. Product ordered released on bond. (F. & D. No. 6472. I. S. No. 14429-k. S. No. C-198.)

On April 26, 1915, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels, more or less, of a product purporting to be ground black pepper, remaining unsold in the original unbroken packages at Indianapolis, Ind., alleging that the product had been shipped by the Woolson Spice Co., Toledo, Ohio, and transported from the State of Ohio into the State of Indiana, the shipment having been received on or about March 1, 1915, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was invoiced as "Ground Black Pepper," and labeled, in part, "Pepper."

It was alleged in the libel that pepper shells had been mixed and packed with ground black pepper so as to reduce, lower, and injuriously affect the quality and strength of said ground black pepper, and, further, that pepper shells had been substituted in part for ground black pepper, and that the aforesaid product in each of said barrels was adulterated, contrary to the laws of Congress in that behalf made and provided.

It was further alleged in the libel that the aforesaid label "Pepper" and the aforesaid statement in the invoice, "Ground Black Pepper," regarding the product in said barrels, were false and misleading in that said product was not pepper or ground black pepper, but was a mixture of pepper or ground black pepper with pepper shells. It was further alleged that the product was an imitation of, and was offered for sale as and under the name of, pepper and ground black pepper, whereas said product was a mixture of pepper or ground black pepper with pepper shells. It was further alleged that the product in said barrels was labeled and branded so as to deceive and mislead the purchaser thereof into the belief that said product was pepper or ground black pepper, whereas, in fact, said product was a mixture of pepper shells with ground black pepper. It was further alleged that the product contained in each of the barrels was misbranded, contrary to the laws of Congress in that behalf made and provided.

On June 7, 1915, the said Woolson Spice Co., claimant, having admitted the allegations in the libel, and the case having come on to be heard, on the pleadings, evidence, and decree *pro confesso* theretofore entered, judgment of condemnation was entered, and the said claimant company having paid the costs of the proceedings and tendered its bond in the sum of $1,000, in conformity with section 10 of the act, it was ordered by the court that the product should be delivered to said claimant.

C. F. Marvin, *Acting Secretary of Agriculture.*

4209. Adulteration of tomato pulp. U. S. v. 25 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6473. I. S. No. 3621–k. S. No. E–255.)

On April 28, 1915, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each case containing 4 dozen cans, of tomato pulp, remaining unsold in the original unbroken packages at Savanah, Ga., alleging that the product had been shipped, on or about April 15, 1915, and transported from the State of Maryland into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Belmont Brand Tomato Pulp made from Tomatoes and Tomato Trimmings. Contents 10 ounces. Mantik Packing Co. Highlandtown, Md. Belmont Brand Packed by Mantik Packing Co., Highlandtown, Md."

Adulteration of the article was alleged in the libel for the reason that the contents of said cans consisted in whole or in part of a decomposed vegetable product, containing excessive bacteria and mold, which might render said product injurious to health.

On September 21, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product contained excessive bacteria or might be injurious to health.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4210. Misbranding of "N. H. Downs' Vegetable Balsamic Elixir." U. S. v. Henry, Johnson & Lord, a corporation. Plea of guilty. Fine, $50. (F. & D. No. 6474. I S. No. 12601–c.)

On July 29, 1915, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry, Johnson & Lord, a corporation, Burlington, Vt., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 11, 1913, from the State of Vermont into the State of New York, of a quantity of "N. H. Downs' Vegetable Balsamic Elixir" which was misbranded. The article was labeled: (On wrapper) "N. H. Downs' Vegetable Balsamic Elixir Opium 1 Gr. per fl. oz., Alcohol 2 1/2% The Great Remedy for Consumption and Other Diseases of the Chest and Lungs Guaranteed by Henry, Johnson & Lord under the Food and Drugs Act June 30, 1906. No. 854. N. H. Downs' Price 25 Cents." (On bottle) "N. H. Downs' Vegetable Balsamic Elixir Opium 1 gr. per fl. oz. Alcohol 2 1/2%. Directions Dose from five drops to two teaspoonfuls according to age and circumstances For Further directions see Circular around each bottle N. B. Shake well before using. Henry, Johnson & Lord Successors to Henry & Johnson, N. H. Downs, J. M. Henry & Sons, John F. Henry & Co. and Henry & Co. Proprietors Burlington, Vt. Guaranteed by Henry, Johnson & Lord under the Food and Drugs Act, June 30, 1906. No. 854." (Blown in bottle) "Rev. N. H. Downs Vegetable Balsamic Elixir."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a sweetened solution of opium, ipecac, glycerin, and small amounts of calcium, potassium, and iron compounds, flavored with anise; the odor indicated the presence of malt; it contained 1.8 per cent by volume of alcohol and 0.95 grain per fluid ounce of opium.

Misbranding of the article was alleged in the information for the reason that the following statement regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On wrapper) "The Great Remedy for Consumption," was false and fraudulent in that the same was applied to said article knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for consumption, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for consumption.

On October, 5, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

4211. Adulteration of tomato conserve. U. S. * * * v. 20 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6477. I. S. No. 757–k. S. No. E–253.)

On April 23, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 20 cases of tomato conserve, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that the same consisted in part of a filthy, putrid, and decomposed vegetable substance.

On May 20, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the article consisted of a putrid vegetable substance.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4212. Adulteration of tomato paste. U. S. * * * v. 11 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6478. I. S. No. 764-k. S. No. E-256.)

On April 26, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 11 cases of tomato paste, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that the same consisted in part of a filthy, putrid, and decomposed vegetable substance.

On May 20, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the article consisted of a putrid vegetable substance.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4213. Misbranding of "Kopp's Baby's Friend." U. S. * * * v. 324 Bottles * * * 864 Bottles * * * and 840 Bottles * * * "Kopp's Baby's Friend." Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 6480, 6481, 6482. I. S. No. 14545–k. S. No. C–193.)

On April 28, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district three libels for the seizure and condemnation of 324 bottles, 864 bottles, and 840 bottles, respectively, of a certain drug product designated as "Kopp's Baby's Friend," remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped, on January 9, January 20, and April 1, 1915, and transported from the State of Pennsylvania into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libels for the reasons that the cartons containing the bottles each bore statements in words and figures, as follows, to wit, "Kopp's 'Baby's Friend' Contains about Eight and One-half Per Cent. Alcohol (by volume); One-Eighth Grain Sulphate of Morphine in Each Fluid Ounce, Besides Other Medicinal Ingredients. The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp York, Pa., U. S. A. For Wind Colic, Griping in the Bowels, Diarrhœa, Cholera Infantum and Teething Troubles. Directions inside. Notice.—Kopp's Baby's Friend is put up in three sizes; i. e., Small or Trial Size, 10 cents; Medium Size, 25 cents; Large or Nursery Size, 50 Cents. A 25 cent bottle contains nearly as much as three 10 cent bottles; a 50 cent bottle contains nearly as much as three 25 cent bottles or nine ten cent bottles, and is therefore the most economical. Trade-Mark Registered," which said statements, borne upon each of the cartons aforesaid, were false and misleading in that the statements represented to the purchaser that the drug product aforesaid was a remedy or cure for wind colic, griping in the bowels, diarrhea, cholera infantum, and teething troubles, whereas, in truth and in fact, the drug product aforesaid was not a remedy or cure for wind colic, griping in the bowels, diarrhea, cholera infantum, and teething troubles, and contained no ingredient nor combination of ingredients capable of producing [the] effects claimed therefor. Misbranding was alleged for the further reason that said statements were false and misleading in that they represented to the purchaser that the drug product aforesaid was a "baby's friend" and beneficial and effective for the relief of wind colic, griping in the bowels, diarrhea, cholera infantum, and teething troubles, whereas, in truth and in fact, the drug product aforesaid was not a "baby's friend," nor was it a safe remedy, beneficial and effective for the relief of wind colic, griping in the bowels, diarrhea, cholera infantum, and teething troubles. Misbranding was alleged for the further reason that said statements regarding the curative effect of said drug product were false and fraudulent in that the drug product aforesaid contained no ingredient nor combination of ingredients capable of producing the effects claimed therefor in the said statements appearing on each of said cartons. Misbranding was alleged for the further reason that said statements regarding the therapeutic effect of said drug product were false and fraudulent in that the drug product aforesaid contained no ingredient nor combination of ingredients capable of producing the effects claimed therefor in the said statements appearing upon each of the said cartons.

On June 10, 1915, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered in the cases, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

4214. Misbranding of "Kopp's Baby's Friend." U. S. * * * v. 624 Packages * * * of * * * "Kopp's Baby's Friend." Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 6483, 6484, 6485. I. S. No. 14411-k. S. No. C-193-a.)

On April 28, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel for the seizure and condemnation of 624 packages of "Kopp's Baby's Friend," remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been shipped and transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled: (On bottle) "Kopp's Baby's Friend. Contains about eight and one-half per cent. (by volume) alcohol and $\frac{1}{8}$ grain sulphate of morphine in each fluid ounce, besides other medicinal ingredients. The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp, York, Pa. U. S. A. Directions: Dose for Child 1 week old, 6 drops; 2 weeks, 8 drops; 1 month, 15 to 18 drops; 2 months, 20 to 25 drops; 3 to 4 months, $\frac{1}{2}$ teaspoonful; 4 to 6 months, $\frac{2}{3}$ teaspoonful; 6 to 9 months, 1 teaspoonful; 12 months and over, $1\frac{1}{2}$ teaspoonful. Dose to be repeated in 2 hours if necessary to relieve pain. During teething give it morning and evening and rub gum several times daily with the medicine. For further directions read accompanying Circular Shake Well before using. Guaranteed by the M'fr's to comply with Food and Drugs Act, June 30, 1906. Serial No. guaranty 113." (On carton immediately inclosing bottle) "Kopp's 'Baby's Friend' Contains about Eight and One-Half Per Cent. Alcohol (by Volume); One-Eighth Grain Sulphate of Morphine in Each Fluid Ounce, Beside Other Medicinal Ingredients. The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp York, Pa. U. S. A. For Wind Colic, Griping in the Bowels, Diarrhœa, Cholera Infantum and Teething Troubles. Price 25 cents Medium Size. Directions Inside. * * * Pleasant to take Guaranteed by the manufacturer to comply with the Food and Drugs Act of June 30, 1906. Serial No. 113." (On wholesale carton containing 12 retail or unit packages) "25 Cent Size Kopp's 'Baby's Friend' Contains About Eight and One-Half Per Cent. (By Volume) Alcohol and One-Eighth Grain Sulphate of Morphine in Each Fluid Ounce, Besides Other Medicinal Ingredients. For Wind Colic, Griping in the Bowels, Diarrhœa, Cholera Infantum and Teething Troubles. The Kopp's 'Baby's Friend' Co. Successors to Mrs J. A. Kopp, York, Pa. U. S. A. Guaranteed by the manufacturers to comply with the Food and Drugs Act, June 30, 1906, Serial No. Guaranty 113 None Genuine Without Facsimile Signature of C. Robert Kopp Pleasant to Take Keep in a cool place." (On circular enwrapping bottle and inclosed within unit carton) "Kopp's Baby's Friend—The King of baby soothers—Health for the baby means relief for the mother! * * * Mothers:—Give Kopp's Baby's Friend to your baby for Wind Colic, Flatulency, Diarrhœa, Cholera Infantum and Teething Troubles.—The Kopp's Baby's Friend Co.—Successors to Mrs. J. A. Kopp—C. Robert Kopp, Chemist, York, Penn., U. S. A. * * * Kopp's Baby's Friend has been used for years by mothers in all parts of the country with very best results. Hundreds of letters have been received which testify to its superior merit. * * *" (Testimonials) "* * * I wish to state that I have used Kopp's Baby's Friend and claim it to be better than a doctor. * * * I would recommend it to all comers. It is absolutely a wonderful cure for babies * * * I find that it is a safe remedy, beneficial and effective * * *."

Misbranding of the article was alleged in the libel for the reason that the aforementioned statements, borne upon and contained within the packages of said drug, and upon the labels of said packages, were false and misleading in

that one of the ingredients of said drug—to wit, morphine sulphate—was not a "Baby's Friend" and was not "a safe remedy, beneficial, and effective" for babies and was not a "wonderful cure for babies," particularly when used indiscriminately. Misbranding was alleged for the further reason that the aforementioned statements, borne upon and contained within the packages aforesaid, and upon the labels of said packages, regarding the curative and therapeutic effects of said drug and of the ingredients and substances contained therein, were false and fraudulent in that said drug contained no ingredient nor combination of ingredients capable of producing the therapeutic effects claimed in the statements upon and in said packages as hereinbefore set forth, and in that said drug was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended in the statements upon and in said packages and labels hereinbefore set forth.

On May 26, 1915, no claimant having appeared for the property, it was ordered by the court that the libel be taken *pro confesso*. On July 13, 1915, no answer to the libel having been filed, or other action taken by any claimant, final judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

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4215. Adulteration of tomato conserve. U. S. * * * v. 12 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6486. I. S. No. 769-k. S. No. E-259.)

On April 26, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 cases of tomato conserve remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that the same consisted in part of a filthy, putrid, and decomposed vegetable substance.

On May 20, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which proceedings in this case were based, did not include a finding that the article consisted of a putrid vegetable substance.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4216. Adulteration and misbranding of pepper. U. S. * * * v. 4,212 Cartons * * * of Pepper. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6490. I. S. No. 14550–k. S. No. C–200.)

On April 29, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4,212 cartons, each containing 1½ ounces of pepper, remaining unsold in the original unbroken packages, at Chicago, Ill., alleging that the article had been shipped, on March 13, 1915, and transported from the State of Ohio into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a certain substance, to wit, pepper shells, had been mixed and packed with the article of food aforesaid so as to reduce, lower, and injuriously affect the quality and strength thereof, and for the further reason that a certain substance, to wit, pepper shells, had been substituted in part for the article of food aforesaid.

Misbranding was alleged for the reason that each of the cartons bore statements in words and figures, as follows, to wit, "G-and-R Brand 1½ Oz. Net G R For Good For Reliable Warranted Pure Pepper," which said statement, to wit, "Warranted Pure Pepper," borne upon each of the cartons aforesaid containing the article of food aforesaid, was false and misleading in that the statement represented to the purchaser that the article of food was genuine pepper, whereas, in truth and in fact, it was not genuine pepper, but consisted of a mixture of pepper and pepper shells. Misbranding was alleged for the further reason that said statement, to wit, "Warranted Pure Pepper," borne upon each of the cartons aforesaid, represented to the purchaser that the article of food was genuine pepper, whereas, in truth and in fact, it was an imitation of genuine pepper, in that the article of food aforesaid consisted of pepper and pepper shells. Misbranding was alleged for the further reason that said statement, to wit, "Warranted Pure Pepper," borne upon each of the cartons aforesaid, represented to the puchaser that the article of food was genuine pepper, whereas, in truth and in fact, it was not genuine pepper, but was offered for sale under the distinctive name of another article, to wit, pepper. Misbranding was alleged for the further reason that said statement, to wit, "Warranted Pure Pepper," borne upon each of the cartons aforesaid, misled and deceived the purchaser into the belief that the article of food aforesaid was genuine pepper, whereas, in truth and in fact, it was not genuine pepper but consisted of a mixture of pepper and pepper shells.

On June 17, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

4217. Adulteration of tomato conserve. U. S. * * * v. 9 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6491. I. S. Nos. 765–k, 766–k. S. No. E–257.)

On April 26, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 9 cases of tomato conserve, remaining unsold in the original packages at Boston, Mass., alleging that the article had been shipped and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that the same consisted in part of a filthy, putrid, and decomposed vegetable substance.

On May 20, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the article consisted of a putrid vegetable substance.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4218. Misbranding of macaroni. U. S. * * * v. 300 Cases of Macaroni. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6492. I. S. No. 763–k. S. No. E–258.)

On April 29, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 300 cases of macaroni, remaining unsold in the original packages at Boston, Mass., alleging that the article had been shipped and transported from the State of Ohio into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act.

Misbranding of the article was alleged in the libel of information for the reason that said food, upon said packages and labels thereof, bore certain statements, designs, and devices regarding the ingredients and substances contained in said food, that is to say, the following words: "Pure Neapolitan Macaroni Extra Fine Quality Gragnano Style" "Macaroncelli 20 lbs. net when packed" "Ord. C. Catalano, Boston, Mass. Not. Flione Themo Co.", and pictorial representations of an eagle spread over the globe (that is to say, the globe which we inhabit) and a number of medals, which said statements, designs, and devices were false and misleading by reason of the appearance on said packages and labels of said words and said pictorial representations in that said words and pictorial representations would lead a purchaser to believe that said food was of a foreign origin, whereas, in truth and in fact, said food was not of a foreign origin. Misbranding was alleged for the further reason that the words "Manufactured by Ohio Egg Noodle and Macaroni Co. Cleveland Ohio," printed in an inconspicuous and obscure manner upon each of said packages and labels thereof, were not sufficient to lead a purchaser to believe that said food was not of foreign origin.

On May 18, 1915, Flione Themo & Co., Boston, Mass., filed a claim for the product, and on June 8, 1915, the said claimant firm having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered that the product should be delivered to said claimant firm upon payment of the cost of the proceedings.

C. F. Marvin, *Acting Secretary of Agriculture.*

4219. Adulteration of cull navy beans. U. S. * * * v. 58 Bags * * * of Cull Navy Bans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6496. I. S. No. 14555–k. S. No. C–201.)

On May 1, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District court of the United States for said district a libel for the seizure and condemnation of 58 bags, each containing 165 pounds of cull navy beans, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped, on February 27, 1915, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly of a decomposed vegetable substance; for the further reason that it consisted in part of a decomposed vegetable substance; for the further reason that it consisted wholly of a filthy vegetable substance; and for the further reason that it consisted in part of a filthy vegetable substance.

On August 21, 1915, B. O. Lantz, doing business as B. O. Lantz & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, and the court having read and considered the pleadings and having heard the arguments of counsel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be surrendered and delivered to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of $1,000, in conformity with section 10 of the act, one of the conditions of the bond being that the said claimant, under the supervision of the United States marshal, should cause the cull navy beans to be ground up for use as animal food.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the article consisted of a filthy vegetable substance.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4220. Adulteration of cull navy beans. U. S. * * * v. 76 Bags * * * of Cull Navy Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6497. I. S. No. 14558–k. S. No. C–202.)

On May 1, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 76 bags, each containing 165 pounds of cull navy beans, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped, on December 26, 1914, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly of a decomposed vegetable substance; for the further reason that it consisted in part of a decomposed vegetable substance; for the further reason that it consisted wholly of a filthy vegetable substance; and for the further reason that it consisted in part of a filthy vegetable substance.

On August 4, 1915, John Sexton & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, and the court having read and considered the pleadings and heard the arguments of counsel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be surrendered and delivered to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of $1,000, in conformity with section 10 of the act, one of the conditions of the bond being that the said claimant, under the supervision of the United States marshal, should cause the cull navy beans to be ground up for use as animal food.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the article consisted of a filthy vegetable substance.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4221. Adulteration and misbranding of vinegar. U. S. * * * v. 30 Barrels * * * Containing Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6498. I. S. No. 12759–k. S. No. C–204.)

On May 10, 1915, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 barrels of vinegar, remaining unsold in the original unbroken packages at Shawnee, Okla., alleging that the article had been shipped, on or about January 28, 1915, and transported from the State of Tennessee into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Clover Leaf Brand Pure Apple Cider Vinegar Reduced to Four Per Cent Acetic Strength."

Adulteration of the article was alleged in the libel for the reason that each of the barrels contained a mixture in which distilled vinegar or a solution of acetic acid had been substituted wholly or in part for pure apple cider vinegar, and had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement, design, and device, and labels of said barrels were false, misleading, and deceptive so as to mislead and deceive the purchaser or purchasers thereof, in that said barrels did not contain pure apple cider vinegar reduced to 4 per cent acetic strength, as on said labels and brands stated, but, in truth and in fact, contained a mixture in which distilled vinegar or a diluted solution of acetic acid had been substituted wholly or in part for the product [goods], and which was an imitation of the article offered for sale under the distinctive name of pure apple cider vinegar.

On June 19, 1915, the Burgie Vinegar Co., Memphis, Tenn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant company, upon payment of the costs of the proceedings and the execution of bond in the sum of $350, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

4222. Adulteration and misbranding of vinegar. U. S. v. 10 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 6500. I. S. No. 11987–k. S. No. C–203.)

On May 1, 1915, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels of vinegar, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the product had been shipped, on or about January 29, 1915, by the Burgie Vinegar Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Burgie Vinegar Co., Gold Dolar Pure Apple Cider Vinegar 50 Grain, Memphis, Tenn."

It was alleged in the libel that an examination of the samples of the vinegar made by the Bureau of Chemistry of the Department of Agriculture showed that the contents of said barrels, labeled, marked, and branded as aforesaid, was not apple cider vinegar, but the same was a mixture in which distilled vinegar or a dilute solution of acetic acid had been mixed with the same so as to reduce and lower and injuriously affect the quality and strength of said vinegar; and that said distilled vinegar and dilute solution of acetic acid had been substituted wholly or in part for said article of vinegar; and that said product was adulterated within the meaning of section 7 of the Food and Drugs Act, approved June 30, 1906, [and] in violation of the provisions thereof.

It was further alleged that the article was an imitation of pure apple cider vinegar, and the said 10 barrels of vinegar, labeled, marked, and branded as aforesaid, had been shipped from Memphis, Tenn., to New Orleans, in the State of Louisiana, for sale under the distinctive name of pure apple cider vinegar, when, in truth and in fact, the same was a dilute solution of acetic acid and [or] distilled vinegar, and the said 10 barrels [and] the contents thereof had been labeled, marked, and branded so as to deceive and mislead the purchaser thereof, and that said article contained in said 10 barrels, marked, branded, and labeled as aforesaid, was misbranded within the meaning of section 8 of the Food and Drugs Act, approved June 30, 1906, in violation of the provisions of said act.

On June 16, 1915, the said Burgie Vinegar Co., Memphis, Tenn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of $250, in conformity with section 10 of the act, one of the conditions being that the product should be rebranded "Imitation Vinegar."

C. F. Marvin, *Acting Secretary of Agriculture.*

4223. Adulteration of cull navy beans. U. S. * * * v. 100 Bags * * * of Cull Navy Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6503. I. S. No. 14560-k. S. No. C-207.)

On May 4, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 bags, each containing 165 pounds of cull navy beans, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on January 27, 1915, and transported from the State of Michigan into the State of Illinois and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly of a decomposed vegetable substance; for the further reason that it consisted in part of a decomposed vegetable substance; for the further reason that it consisted wholly of a filthy vegetable substance; and for the further reason that it consisted in part of a filthy vegetable substance.

On August 4, 1915, John Sexton & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, and the court having read and considered the pleadings and heard the arguments of counsel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be surrendered and delivered to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of $1,000, in conformity with section 10 of the act, one of the conditions of the bond being that the said claimant, under the supervision of the United States marshal, should cause the cull navy beans to be ground up for use as animal food.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the article consisted of a filthy vegetable substance.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4224. Adulteration and misbranding of pepper. U. S. * * * v. 50 Boxes * * * of Pepper. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6506. I. S. No. 14728–k. S. No. C–212.)

On or about May 7, 1915, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 boxes, each containing 2 dozen four-ounce packages of pepper, remaining unsold in the original packages at Ottumwa, Iowa, alleging that the article had been shipped, on or about February 27, 1915, by the Thomson & Taylor Spice Co., Chicago, Ill., and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The boxes were labeled: "Wapello Chief Brand. Guaranteed Finest Spices, Pepper." The retail packages were labeled: "Wapello Chief Brand Pepper. Guaranteed Finest Spices, Pepper. Four ounces net weight Black Pepper."

It was alleged in the libel that the boxes of pepper were misbranded as to the character of their contents, by brands appearing thereon upon the outside of said boxes, in violation of the Food and Drugs Act, and that the same were liable to condemnation and confiscation for the reason that the said boxes, or any of them, did not contain pure black pepper as the labels would indicate, but, in truth and in fact, contained wholly or in part a mixture of pepper and shells which had been added to, and substituted for, the best quality of black pepper in such a manner as to reduce and lower and injuriously affect its quality and strength, the same being prepared in imitation of pure best pepper, and the same had been packed in imitation of true black pepper, rendering the same adulterated in violation of section 7, paragraphs 1 and 2, of the Food and Drugs Act, and, further, that within said mixture were certain substances substituted for black pepper whereby the same was misbranded in violation of section 8, paragraphs 1, 2, and 4, of said Food and Drugs Act.

It was further alleged that the labeling of the boxes as containing "Finest Spices, Pepper. [Wapello Chief.] Brand Guaranteed" was misleading and false, and was such as to mislead the purchaser, and was such as to enable the offering of the contents for sale as being black pepper, when, in truth and in fact, the same was not such as was offered for sale, and it was [an] unlawful misbranding within the meaning of the statute aforesaid, and was also an unlawful adulteration and mixture of said product.

On June 18, 1915, the said Thomson & Taylor Spice Co., claimant, having admitted the allegations in the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant company which had paid the costs of the proceedings and tendered bond in the sum of $500, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

4225. Adulteration and misbranding of oats. U. S. * * * v. 250 Bags * * * of * * * Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6511. I. S. No. 3137-k. S. No. E-261.)

On or about May 5, 1915, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 bags, more or less, of oats, each bag containing 160 pounds, remaining unsold in the original unbroken packages at Bluefield, W. Va., alleging that the product had been shipped, on or about April 12, 1915, by Callahan & Sons, Louisville, Ky., and transported from the State of Illinois into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "160 lbs. Virginia White Oats Special Reg. U. S. Pat Off."

Adulteration of the article was alleged in the libel for the reason that said oats contained barley screenings, weed seed, and other foreign substances which had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that said oats were branded as "Virginia White Oats," when, in truth and in fact, said article was not "Virginia White Oats," but was a mixture of oats, oat screenings, weed seeds, and other foreign substances.

On June 2, 1915, the said Callahan & Sons, claimant, having filed its answer, and the cause having been submitted by agreement of counsel to the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of $465, in conformity with section 10 of the act.

(The report of this department, upon which the proceedings in this case were based, stated that the sample examined contained 25.04 per cent barley and 28 per cent screenings.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4226. Adulteration of cull navy beans. U. S. v. 266 Bags * * * and 250 Bags of Cull Navy Beans. Consent decrees of condemnation and forfeiture. Product ordered released on bond, to be ground up as animal food. (F. & D. No. 6514. I. S. Nos. 14557–k, 14559–k. S. No. C–205.)

On May 6, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 266 bags and 250 bags, each containing 165 pounds of cull navy beans, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped, on February 27 and March 2, 1915, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libels for the reason that it consisted wholly of a decomposed vegetable substance, for the further reason that it consisted in part of a decomposed vegetable substance, for the further reason that it consisted wholly of a filthy vegetable substance, and for the further reason that it consisted in part of a filthy vegetable substance.

On July 13 and August 21, 1915, respectively, J. F. Donahue, doing business as J. F. Donahue & Co., and B. O. Lantz, doing business as B. O. Lantz & Co., of Chicago, Ill., having admitted the material allegations in the libels, and the court having considered the pleadings and having heard the arguments of counsel, judgments of condemnation and forfeiture were entered; and it appearing to the court that the beans might be ground up and used for animal food, it was ordered that said beans should be surrendered and delivered to said claimants upon payment of the costs of the proceedings and the execution of bond by each claimant in the sum of $1,000, in conformity with section 10 of the act, one of the conditions of the bond being that the beans should be ground up for use as animal food under the supervision of the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the article consisted of a filthy vegetable substance.).

C. F. Marvin, *Acting Secretary of Agriculture.*

4227. Adulteration and misbranding of vinegar. U. S. v. 7 Barrels and 5 Half-Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6515. I. S. Nos. 11988-k, 11989-k. S. No. C-208.)

On May 7, 1915, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 barrels and 5 half-barrels of vinegar, remaining unsold in the original unbroken packages at New Orleans, La., alleging that 2 of the barrels had been shipped on January 29, 1915, and 5 of the barrels and the 5 half-barrels were shipped on March 18, 1915, by the Burgie Vinegar Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Gold Dolar Brand Pure Apple Cider Vinegar Reduced to 4% acetic strength."

It was alleged in the libel that an examination of samples of the vinegar made by the Bureau of Chemistry of the Department of Agriculture showed that the contents of said barrels and half-barrels, marked, labeled, and branded as aforesaid, was not pure apple cider vinegar, but that the same was a product prepared from apple waste and distilled vinegar which had been so mixed as to reduce, lower, and injuriously affect the quality and strength of said vinegar, and that said distilled vinegar and dilute solution of acetic acid had been wholly or in part substituted for said article of vinegar, and that said product was adulterated within the meaning of section 7 of the Food and Drugs Act, approved June 30, 1906, and in violation of the provisions thereof.

It was further alleged that the aforesaid article contained in said 7 barrels and said 5 half-barrels, marked, branded, and labeled as aforesaid, was an imitation of pure apple cider vinegar, and that said article had been shipped from Memphis, in the State of Tennessee, to New Orleans, in the State of Louisiana, for sale under the distinctive name of pure apple cider vinegar, when, in truth and in fact, the same was a dilute solution of acetic acid and distilled vinegar, and that the said 7 barrels and said 5 half-barrels and the contents thereof had been labeled, marked, and branded so as to deceive and mislead the purchaser thereof, and that said article, marked, branded, and labeled as aforesaid, was misbranded within the meaning of section 8 of the Food and Drugs Act, approved June 30, 1906, and in violation of the provisions of said act.

On June 16, 1915, the said Burgie Vinegar Co., Memphis, Tenn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of $250, in conformity with section 10 of the act, and upon the branding by said claimant of the product as "Imitation Vinegar."

(The report of this department, upon which the proceedings in this case were based, stated that the product was prepared from apple waste and distilled vinegar or a dilute solution of acetic acid.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4228. Adulteration and misbranding of vinegar. U. S. v. 5 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6516. I. S. No. 11990–k. S. No. C–209.)

On May 7, 1915, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels of vinegar, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the product had been shipped, on or about March 24, 1915, by the Burgie Vinegar Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Gold Dolar Brand Pure Apple Cider Vinegar Reduced to 5% acetic strength 50 Grain."

It was alleged in the libel that an examination of samples of the vinegar made by the Bureau of Chemistry of the Department of Agriculture showed that the contents of the barrels, labeled, marked, and branded as aforesaid, was not pure apple cider vinegar, but that the same was a product prepared from apple waste and distilled vinegar, which had been so mixed as to reduce and lower and injuriously affect the quality and strength of said vinegar, and that a dilute solution of acetic acid had been substituted wholly or in part for said article of vinegar, and that said product was adulterated within the meaning of section 7 of the Food and Drugs Act, approved June 30, 1906, and in violation of the provisions thereof.

It was further alleged that the article was an imitation of pure apple cider vinegar, and that said 5 barrels of vinegar, labeled, marked, and branded as aforesaid, had been shipped from Memphis, Tenn., to New Orleans, in the State of Louisiana, for sale under the distinctive name of pure apple cider vinegar, when, in truth and in fact, the same was a dilute solution of acetic acid and distilled vinegar, and that said 5 barrels and the contents thereof had been labeled, marked, and branded so as to deceive and mislead the purchaser thereof, and that said article was misbranded within the meaning of section 8 of the Food and Drugs Act, approved June 30, 1906, and in violation of the provisions of said act.

On June 16, 1915, the said Burgie Vinegar Co., Memphis, Tenn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant, upon payment of all the costs of the proceedings, and the execution of bond in the sum of $250, in conformity with section 10 of the act, and upon the branding by said claimant of the product with the words "Imitation Vinegar."

(The report of this department, upon which the proceedings in this case were based, stated that the product was prepared from apple waste and distilled vinegar or a dilute solution of acetic acid.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4229. Adulteration and misbranding of vinegar. U. S. * * * v. 8 Crates * * * and 20 Casks of Apple Cider Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6517. I. S. Nos. 12765-k, 12766-k. S. No. C-211.)

On May 10, 1915, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 crates, each containing 6 one-gallon jugs, and 20 casks, each containing 6 dozen bottles of vinegar, remaining unsold in the original unbroken packages at Tulsa, Okla., alleging that the product had been shipped, on or about January 28, 1915, and transported from the State of Tennessee into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. The jugs were labeled: "B. V. Brand Pure Apple Vinegar Reduced to 4% Acetic Strength Manufactured by the most improved methods expressly for fine table use, salads, etc. It will be found most excellent. Contents 128 Fluid Ounces. Burgie Vinegar Co. Memphis, Tennessee." The bottles were labeled: "B. V. Brand Pure Apple Cider Vinegar Reduced to 4% Acetic Strength Manufactured by the most improved methods expressly for fine table use, salads, etc. It will be found most excellent. Contents 25 Fluid Ounces or more. Burgie Vinegar Company, Memphis, Tennessee."

It was alleged in the libel that the article of food was misbranded in that the label on each and every retail package thereof and the label on each cask was false and misleading by reason of the following statements, "B. V. Brand Pure Apple Cider Vinegar [or 'Apple Vinegar' as the case might be] Reduced to 4% Acetic Strength Manufactured by the most improved methods expressly for fine table use, salads, etc. It will be found most excellent. Contents 128 [or '25' as the case might be] Fluid Ounces," when, in truth and in fact, said article of food, in said crates, casks, and retail packages contained, [was misbranded] in violation of the Food and Drugs Act; and that said statements, designs, devices, and labels of said crates, casks, and retail packages were false and misleading and deceptive and so [such] as to deceive and mislead the purchaser or purchasers thereof, in that said crates, casks, and retail packages did not contain pure apple cider vinegar, diluted to 4 per cent acetic acid strength as on said label and brand stated, but, in truth and in fact, contained a product prepared from apple waste and distilled vinegar, or a diluted solution of acetic acid [which] had been substituted wholly or in part for pure apple cider vinegar, and said goods or vinegar was therefore adulterated in violation of section 7, paragraph 2, of said act.

On June 14, 1915, the Burgie Vinegar Co., Memphis, Tenn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of $350, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

4230. Adulteration and misbranding of vinegar. U. S. v. 10 Barrels and 10 Half-Barrels of Vinegar * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6518. I. S. Nos. 13844-k, 13845-k. S. No. C-214.)

On May 8, 1915, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels and 10 half-barrels of vinegar, remaining unsold in the original unbroken packages at Pine Bluff, Ark., alleging that the product had been shipped and transported from the State of Tennessee into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Dawson Bros. Mfg. Co., Inc., Memphis, Tenn. Southern Beauty Brand Pure Apple Vinegar Reduced to 4% Acetic Strength."

It was alleged in the libel that the barrels of vinegar were misbranded in violation of the Food and Drugs Act of June 30, 1906, the label upon said barrels being "Southern Beauty Brand Pure Apple Vinegar Reduced to 4% Acetic Strength," whereas an analysis showed that the product was not pure apple vinegar as labeled, but consisted wholly or in part of distilled vinegar or of dilute acetic acid which had been substituted for, and mixed with, said apple vinegar so as to reduce and lower and injuriously affect its quality and strength, whereby the said product was adulterated and misbranded in violation of the Food and Drugs Act above mentioned.

On June 15, 1915, the Dawson Bros. Manufacturing Co., Memphis, Tenn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant company, upon payment of the costs of the proceedings and the execution of bond in the sum of $500, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

4231. Adulteration and misbranding of vinegar. U. S. * * * v. 8 Cases of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6521. I. S. No. 13457-k. S. No. C-218.)

On May 10, 1915, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases, each containing 6 one-gallon bottles of a product alleged to be apple vinegar, remaining unsold in the original unbroken packages at Rosedale, Miss., alleging that the product had been shipped, on or about February 4, 1915, by Dawson Brothers Manufacturing Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Southern Beauty D. B. Brand Apple Cider Vinegar Diluted to 4% Acid Strength Contents 122 Fluid Ounces or More."

It was alleged in the libel that the 8 cases were illegally held within the jurisdiction of the court, and that colored distilled vinegar and [or] a diluted solution of acetic acid had been substituted for the product described on the cases and bottles aforesaid, and that said cases and bottles were misbranded in that each contained the said substituted product instead of the product described to be therein contained.

On July 10, 1915, the said Dawson Bros. Manufacturing Co., claimant, having consented thereto, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant company, upon payment of all the costs of the proceedings and the execution of bond in the sum of $250, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

4232. Adulteration and misbranding of ground black pepper. U. S. v. 5 Barrels * * * of * * * Ground Black Pepper. Consent decree of condemnation. Product ordered released on bond. (F. & D. No. 6523. I. S. No. 11190–k. S. No. C–220.)

On May 7, 1915, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels, more or less, of a product purporting to be ground black pepper, remaining unsold in the original unbroken packages at Fort Wayne, Ind., alleging that the article had been shipped by the Woolson Spice Co., Toledo, Ohio, and transported from the State of Ohio into the State of Indiana, the shipment having been received on or about February 26, 1915, and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the barrels containing the product were invoiced as "Grd. Blk. Pepper," whereas pepper shells had been mixed and packed with ground black pepper so as to reduce, lower, and injuriously affect the quality and strength of said ground black pepper, and, further, that pepper shells had been substituted in part for ground black pepper so that the aforesaid product in each of said barrels was adulterated contrary to the laws of Congress in that behalf made and provided.

It was further alleged in the libel that the aforesaid statement in the aforesaid invoice, "Grd. Blk. Pepper," regarding the product in said barrels, was false and misleading in that said product was not ground black pepper but a mixture of ground black pepper and pepper shells.

It was further alleged that the product was an imitation of, and offered for sale as and under the name of, ground black pepper, whereas said product was a mixture of ground black pepper and pepper shells.

It was further alleged that the product was sold and invoiced so as to deceive and mislead the purchaser thereof, into the belief that the same was ground black pepper, whereas, in fact, it was a mixture of pepper shells and ground black pepper.

It was further alleged that the product contained in each of the barrels was misbranded contrary to the laws of Congress in that behalf made and provided.

On June 7, 1915, the said Woolson Spice Co., a corporation, Toledo, Ohio, having by its answer admitted the allegations of the libel, judgment of condemnation was entered, and, the said claimant company having paid the costs of the proceedings and tendered its bond in the sum of $1,000, in conformity with section 10 of the act, it was ordered by the court that the product should be delivered to said claimant company.

C. F. Marvin, *Acting Secretary of Agriculture.*

4233. Adulteration of tomato pulp. U. S. * * * v. 60 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6524. I. S. No. 14433–k. S. No. C–222.)

On May 7, 1915, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at Louisville, Ky., alleging that the product had been shipped and transported from the State of Indiana into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "No. 1. Scott County Brand Tomato Pulp." The cans were labeled: "Scott Co. Brand Whole Tomato Pulp Packed by Austin Canning Co., Austin, Ind. Contents 10 Oz."

Adulteration of the article was alleged in the libel for the reason that it contained, and in part consisted of, a partially decomposed vegetable substance.

On July 6, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

4234. Adulteration of mineral water. U. S. * * * v. 120 One-Half Gallon Bottles of Mineral Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6526. I. S. No. 18865–k. S. No. W–47.)

On May 8, 1915, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 120 one-half gallon bottles of mineral water contained in 10 crates, remaining unsold in the original unbroken packages at Denver, Colo., alleging that the product had been shipped and transported from the State of Texas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The crates were labeled: "Crazy Mineral Wells, Texas. * * *." The bottles were labeled: "Crazy No. 3 This is a Natural, Saline, Alkaline Mineral Water Freely Laxative and mildly Diuretic. * * * The Crazy Well Water Company. Mineral Wells, Texas. One-Half Gallon."

It was alleged in the libel that the article of food was adulterated for the reason that said mineral water contained a filthy, decomposed, and putrid animal substance, which reduced, lowered, and injuriously affected the quality of said article.

On August 27, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

4235. Adulteration and misbranding of vinegar. U. S. * * * v. 40 Barrels * * *, 9 Casks * * *, and 48 Cases * * * of Vinegar * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6528. I. S. Nos. 14902–k, 14903–k, 14904–k. S. No. C–221.)

On May 12, 1915, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 barrels, more or less, 9 casks, more or less, each containing 6 dozen bottles, and 48 cases, more or less, each containing 6 one-gallon bottles of vinegar, remaining unsold in the original unbroken packages at Mangum, Okla., alleging that the product had been shipped, on or about March 24, 1915, and transported from the State of Tennessee into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. The 40 barrels were labeled: "Gold Dolar Brand Pure Apple Cider Vinegar Reduced to four per cent acetic strength."

It was alleged in the libel that the article of food in the barrels was adulterated and was in violation of said act of Congress in that said barrels and each of them contained distilled vinegar or a dilute solution of acetic acid which had been substituted wholly or in part for pure apple cider vinegar reduced to 4 per cent acetic strength.

It was further alleged that the article was misbranded in violation of said act of Congress, and that the statement, design, and device, and labels of said barrels were false, misleading, and deceptive and so [such] as to mislead and deceive the purchaser or purchasers thereof in that said barrels did not contain pure apple cider vinegar reduced to 4 per cent acetic strength as on said label and brand stated, but, in truth and in fact, contained a product prepared from apple waste and distilled vinegar or a dilute solution of acetic acid [which] had been substituted wholly or in part for the article.

The casks and bottles therein were labeled: "B. V. Brand Pure Apple Cider Vinegar Reduced to 4% Acetic Strength. Manufactured by the most improved methods expressly for fine table use, salads, etc. * * * Contains 25 fluid ounces or more."

It was alleged in the libel that the article of food in said casks and bottles was misbranded in violation of said act of Congress and that the statement, design, and device, and labels of said casks and bottles were false, misleading, and deceptive and so [such] as to mislead and deceive the purchaser and purchasers thereof in that said casks and bottles did not contain pure apple cider vinegar reduced to 4 per cent acetic strength as on said labels and brands stated, but, in truth and in fact, contained a product prepared from apple waste and distilled vinegar or a dilute solution of acetic acid [which] had been substituted wholly or in part for the article purporting to be contained therein, to wit, pure apple cider vinegar reduced to 4 per cent acetic strength.

The cases and bottles therein were labeled: "B. V. Brand Pure Apple Cider Vinegar Reduced to 4% Acetic Strength. Manufactured by most improved methods expressly for fine table use, salads, etc. * * * Contains 128 fluid ounces."

It was further alleged in the libel that the article of food in said barrels, casks, cases, and bottles, was adulterated and in violation of said act of Congress, in that each of said barrels, casks, cases, and bottles contained distilled vinegar or a dilute solution of acetic acid which had been substituted for apple cider vinegar.

It was further alleged that the article of food in said bottles and cases was misbranded in violation of said act of Congress, and that the statement, design,

and device, and labels of said cases and bottles were false, misleading, and deceptive, and so [such] as to mislead or deceive the purchaser or purchasers thereof in that said cases and bottles did not contain pure apple cider vinegar reduced to 4 per cent acetic strength, as on said labels and brands stated, but, in truth and in fact, contained distilled vinegar, or a dilute solution of acetic acid [which] had been substituted wholly or in part for pure apple cider vinegar reduced to 4 per cent acetic strength.

On June 19, 1915, the Burgie Vinegar Co., Memphis, Tenn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant company, upon payment of the costs of the proceedings and the execution and delivery of bond in the sum of $350, in conformity with section 10 of the act.

(The report of this department, upon which the proceedings in this case were based, stated that the product was prepared from apple waste and distilled vinegar or a dilute solution of acetic acid.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4236. Adulteration and misbranding of pepper. U. S. v. 1 Barrel of * * * Pepper. Consent decree of condemnation. Product ordered released on bond. (F. & D. No. 6529. I. S. No. 14442–k. S. No. C–224.)

On May 12, 1915, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of a product purporting to be pure pepper, remaining unsold in the original unbroken package at Indianapolis, Ind., alleging that the product had been shipped and transported from the State of Illinois into the State of Indiana, the shipment having been received, on or about February 2, 1915, from the Thomson & Taylor Spice Co., Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the barrel containing the product was marked and branded as follows, (On head of barrel) "Cub Pure Pepper, * * *" (On side of barrel) "Cub Pure Pepper," whereas pepper shells had been mixed and packed with pure pepper so as to reduce, lower, and injuriously affect the quality and strength of said pure pepper, and that pepper shells had been substituted in part for pure pepper, so that the aforesaid product in said barrel was adulterated contrary to the laws of Congress in that behalf made and provided.

It was further alleged in the libel that the aforesaid marks and brands, "Pure Pepper," regarding the product in said barrel, were false and misleading in that said product was not pure pepper, but was a mixture of pure pepper and pepper shells. It was further alleged that the product was an imitation of, and was offered for sale as and under the name of, pure pepper, whereas said product was a mixture of pure pepper and pepper shells. It was further alleged that said product was marked and branded so as to deceive and mislead the purchaser thereof into the belief that it was pure pepper, whereas, in fact, said product was a mixture of pepper shells and pure pepper. It was further alleged that the product was misbranded contrary to the laws of Congress in that behalf made and provided.

On June 8, 1915, the said Thomson & Taylor Spice Co., a corporation, Chicago, Ill., claimant, having filed its answer admitting the allegations in the libel, judgment of condemnation was entered, and the said claimant company having paid the costs of the proceeding and tendered its bond in the sum of $500, in conformity with section 10 of the act, and the court having examined and approved said bond, it was ordered that the product be delivered to said claimant company, and that said company be granted leave to reship said merchandise to its place of business in Chicago, Ill.

C. F. Marvin, *Acting Secretary of Agriculture.*

4237. Adulteration and misbranding of pepper. U. S. * * * v. 5 Barrels * * * of * * * Pepper. Consent decree of condemnation. Product ordered released on bond. (F. & D. No. 6530. I. S. Nos. 14443–k, 14444–k. S. No. C–225.)

On May 12, 1915, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels, more or less, of a product purporting to be pure pepper, remaining unsold in the original unbroken packages at Indianapolis, Ind., alleging that the product had been shipped and transported from the State of Illinois into the State of Indiana, 2 of the barrels having been received on or about January 30, and 3 barrels on or about February 11, 1915, from the Thomson & Taylor Spice Co., Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the barrels containing the product were marked and branded as follows: (On head of barrels) "Pure Pepper, * * *" whereas pepper shells had been mixed and packed with pure pepper so as to reduce, lower, and injuriously affect the quality and strength of said pure pepper, and that pepper shells had been substituted in part for pure pepper so that the aforesaid product in each of said barrels was adulterated contrary to the laws of Congress in that behalf made and provided.

It was further alleged that the aforesaid marks and brands on each of said barrels, "Pure Pepper," regarding the product, were false and misleading in that said product was not pure pepper, but was a mixture of pure pepper and pepper shells. It was further alleged that the product was an imitation of, and was offered for sale as, and under the name of, pure pepper, whereas said product was a mixture of pure pepper and pepper shells. It was further alleged that the product was marked and branded so as to deceive and mislead the purchaser thereof into the belief that said product was pure pepper, whereas, in fact, it was a mixture of pepper shells and pure pepper. It was further alleged that the product contained in each of said barrels was misbranded contrary to the laws of Congress in that behalf made and provided.

On June 8, 1915, the said Thomson & Taylor Spice Co., a corporation, Chicago, Ill., claimant, having filed its answer admitting the allegations of the libel, judgment of condemnation was entered, and said claimant company having paid the costs of the proceedings and tendered its bond in the sum of $500, in conformity with section 10 of the act, and the court having examined and approved said bond, it was ordered that the product should be delivered to said claimant and that said company should be granted leave to reship said merchandise to its place of business in Chicago, Ill.

C. F. Marvin, *Acting Secretary of Agriculture.*

4238. Adulteration and misbranding of coumarin. U. S. * * * v. 200 Cans * * * of Coumarin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6531. I. S. No. 15047–k. S. No. C–228.)

On May 12, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on June 5, 1915, an amended libel, for the seizure and condemnation of 2 cases containing 100 cans each of coumarin, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped, on November 14 and December 2, 1914, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, acetanilid, had been mixed and packed with the article of food aforesaid, when it was so shipped as aforesaid, so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance, to wit, acetanilid, had been substituted in part for the article of food, and for the further reason that a substance, to wit, acetanilid, had been substituted wholly for the article of food aforesaid; for the further reason that the article of food contained an added poisonous ingredient, to wit, acetanilid, which might render such article injurious to health; and for the further reason that the article of food contained an added deleterious ingredient, to wit, acetanilid, which might render such article injurious to health.

Misbranding was alleged for the reason that the cans containing the article of food each bore the statement "Cumarin," which said statement was false and misleading in that it represented to the purchaser that the article of food was genuine coumarin, whereas, in truth and in fact, it was not coumarin, but a mixture of coumarin and acetanilid. Misbranding was alleged for the further reason that each of the cans bore the statement "Cumarin," which said statement purported to state that the aricle of food was coumarin, whereas, in truth and in fact, it was not coumarin, but an imitation of coumarin. Misbranding was alleged for the further reason that each of the cans bore the statement "Cumarin," which said statement deceived and misled the purchaser in that the statement represented to the purchaser that the article of food was genuine coumarin, whereas, in truth and in fact, it was not coumarin, but a mixture of coumarin and acetanilid.

On August 21, 1915, M. L. Barrett & Co., Chicago, Ill., claimant, having admitted the material allegations in the libel, and the court having read and considered the same and having heard the arguments of counsel, judgment of condemnation and forfeiture was entered; but it appearing, however, that the coumarin might be used for perfume, it was ordered by the court that the same should be surrendered and delivered to said claimant company, upon payment of the costs of the proceeding and the execution of bond in the sum of $1,000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

4239. Adulteration of tomato conserve. U. S. * * * v. 9 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 6533, 6534. I. S. Nos. 768–k, 770–k. S. No. E–266.)

On May 10, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 9 cases of tomato conserve, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that the same consisted in part of a filthy, putrid, and decomposed vegetable substance.

On June 8, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the article consisted of a putrid substance.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4240. Adulteration of tomato pulp. U. S. v. 15 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6535. I. S. No. 2307-k. S. No. E-268.)

On May 19, 1915, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases, each containing certain cans of tomato pulp, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the product had been shipped, on or about April 16, 1915, and transported from the State of Maryland into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "Ruxton Brand Tomato Pulp Made From Tomatoes and Tomato Trimmings. Contents 10 ounces. Packed by Mantik Packing Co., Highlandtown, Md." The retail packages were labeled: "'Ruxton' Brand Tomato Pulp Made From Tomatoes and Tomato Trimmings. Contents 10 ounces. Mantik Packing Co. Highlandtown, Md.—'Ruxton' Brand Packed by Mantik Packing Co., Highlandtown, Md."

Adulteration of the article was alleged in the libel for the reason that the contents of said cans consisted in whole or in part of a decomposed vegetable product containing excessive bacteria and mold, which might render the product injurious to health.

On September 21, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product contained excessive bacteria or might be injurious to health.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4241. Adulteration of tomato conserve. U. S. v. 5 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6536. I. S. No. 767-k. S. No. E-267.)

On May 12, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 5 cases of tomato conserve, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that the same consisted in part of a filthy, putrid, and decomposed vegetable substance.

On June 8, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product consisted of a putrid substance.)

C. F. Marvin, *Acting Secretary of Agriculture.*

4242. Adulteration and misbranding of oats. U. S. * * * v. 300 Bags * * * and 300 Bags * * * of Oats. Consent decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 6537, 6538. I. S. Nos. 3141–k, 3142–k. S. No. E–269.)

On or about May 14, 1915, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district two libels for the seizure and condemnation of 300 bags and 300 bags, each containing 160 pounds of oats, remaining unsold in the original unbroken packages at Bluefield, W. Va., alleging that the product had been shipped, on or about May 1, 1915, by Callahan & Sons, Louisville, Ky., and transported from the State of Kentucky into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled, in part: "160 lbs. White Oats Special * * *."

Adulteration of the product was alleged in the libels for the reason that said oats contained about 18 per cent of barley and 2 per cent of dirt, which had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength and which said foreign substances had been substituted in part for the said article.

Misbranding was alleged for the reason that said oats were branded as "White Oats Special," when, in truth and in fact, said article was not "White Oats Special," but was a mixture of oats, barley, dirt, and other foreign substances.

On June 2, 1915, the cause having been submitted by agreement of counsel to the court, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product in each case should be delivered to Callahan & Sons, Louisville, Ky., claimant, upon payment of all costs of proceedings and the execution of bond in one case in the sum of $625, and in the other case in the sum of $615, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

4243. Adulteration of tomato pulp. U. S. * * * v. 52 Cases of Tomato Pulp * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6539. I. S. Nos. 3649-k. 3650-k. S. No. E-270.)

On May 13, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 52 cases, more or less, of tomato pulp, remaining unsold in the original unbroken packages at Highlandtown, Md., alleging that the product had been shipped and transported from the State of Alabama into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that said tomato pulp consisted in part of filthy, decomposed, and putrid vegetable matter.

On June 17, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

4244. Adulteration of skim-milk cheese. U. S. * * * v. 61 Cheeses. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6542. I. S. No. 3051–l. S. No. E–384.)

On August 24, 1915, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 61 cheeses, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped, on or about June 19, 1915, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Skim Milk Cheese."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of filthy, decomposed, and putrid animal substance.

On September 13, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

4245. Adulteration of pepper. U. S. * * * v. 200 Boxes * * * of an Article Purporting to be Pepper. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6551. I. S. No. 359–k. S. No. E–274.)

On May 19, 1915, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 200 boxes, more or less, of an article purporting to be pepper, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the same were being held and offered for sale in the District aforesaid, in violation of the Food and Drugs Act. The boxes were labeled, in part: "No. 377 * * * American Brand Purity Strength Pepper 5 lbs. net."

Adulteration was alleged in the libel for the reason that the said article of food had been mixed and packed with a substance, to wit, pepper shells, which reduced and lowered and injuriously affected its quality and strength, and, further, for the reason that another substance had been substituted, in whole and [or] in part, for the genuine article of food.

On July 21, 1915, Parrish Bros., a corporation, Baltimore, Md., claimant, having consented thereto, judgment of condemnation and forfeiture was entered as and for June 28, 1915, and it was ordered by the court that the product should be delivered to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of $1,000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

4246. Adulteration and misbranding of vinegar. U. S. * * * v. 5 Barrels * * * of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6554. I. S. No. 14564-k. S. No. C-233.)

On May 24, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels of vinegar, remaining unsold in the original unbroken packages at Middletown, Ohio, alleging that the product had been shipped and transported from the State of Illinois into the State of Ohio and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (In stencil) "B. T. Chandler & Son—40 Grain Vinegar." (On tag attached to each end of barrel) "Dayton and Cincinnati, O. Established 1875." Cut of barrel, with following legend on head: (Picture of apple) "We warrant our vinegar to test 40 Grains strength. B. T. Chandler & Son, 31 East 55th Street, Chicago Cider & Vinegar Works Apple Cider Vinegar."

Adulteration of the article was alleged in the libel for the reason that a certain substance, to wit, artificially colored distilled vinegar, or an artificially colored dilute solution of acetic acid, had been substituted for what the said article, by its label, purported to be, to wit, apple cider vinegar of a strength of 40 grain.

Misbranding was alleged for the reason that the labels, marks, and brands aforesaid upon said barrels bore certain statements, to wit, "40 Grains" and "Apple Cider Vinegar," regarding said article and the ingredients and substances contained therein, which said statements were false and misleading in that said article of food was not of the strength known and described as 40 grain and was not apple cider vinegar, but, in truth and in fact, said article was an artificially colored distilled vinegar or an artificially colored dilute solution of acetic acid, having actually a strength less than that known and described as 40 grain; for the further reason that said article of food was an imitation of, and offered for sale under the distinctive name of, another article of food, to wit, apple cider vinegar of the full strength of 40 grain. Misbranding was alleged for the further reason that said article of food was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof into the belief that the same was apple cider vinegar of a strength of 40 grain, whereas, in truth and in fact, it was not apple cider vinegar of the strength stated, but was artificially colored distilled vinegar or an artificially colored dilute solution of acetic acid of a strength less than 40 grain.

On September 13, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

4247. Adulteration of pork and beans with tomato sauce. U. S. * * * v. 1,050 Cases of Pork and Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 6555, 6563, 6565. I. S. Nos. 3559–k, 3562–k, 3561–k. S. Nos. E–281, E–284, E–286.)

On May 26, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district three libels for the seizure of 1,050 cases of pork and beans, remaining unsold in the original unbroken packages at Newburgh, N. Y., alleging that 300 cases of the product had been shipped on or about February 27, 1915; that 350 cases of the product had been shipped on or about February 15, 1915; and that 400 cases of the product had been shipped on or about March 4, 1915, and transported from the State of Ohio into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The 300 cases covered by one of the libels were labeled: "2 Doz. No. 2½ cans Crusoe Pork and Beans with Tomato Sauce. Packed by The Elyria Canning Co., Elyria, Lorain County, Ohio." The cans in these cases were labeled: "Crusoe Brand (design) Pork and Beans with Tomato Sauce. Contents 2 lbs. or over. Trade Mark Registered U. S. Pat. Off. No. 2513 Crusoe Brand (Picture), Elyria Canning Co., Elyria, Ohio. Good Rich Flavor. E. C. Co. Seasoned just right." The 350 cases covered by the second libel were labeled: "2 Doz. No. 2½ cans Prairie Girl Pork and Beans with Tomato Sauce. Packed by The Elyria Canning Co., Elyria, Ohio." The cans in these cases were labeled: "Prairie Girl Brand (design) Tomato Sauce Pork and Beans. Contents 2 lbs. or over. Prairie Girl Brand (picture of girl). Packed by the Elyria Canning Co., Elyria, Ohio." The 400 cases covered by the third libel were labeled: "2 Doz. No. 2½ cans Napoleon Brand Pork and Beans with Tomato Sauce. Distributors, Hilton, Gibson & Miller, Newburgh, N. Y." The cans in these cases were labeled: "Napoleon Brand (picture of Napoleon) Pork and Beans, Good Rich Flavor. Napoleon Brand (design) Pork and Beans. Hilton, Gibson & Miller, Distributors. Newburgh, N. Y. Net weight 32 ounces or over With Tomato Sauce."

Adulteration was alleged in all the libels for the reason that the article of food consisted in particular [part] of a partially decomposed vegetable product, to wit, moldy beans, contrary to the provisions of section 7, subdivision 6, under "Food," of the Food and Drugs Act.

On July 26, 1915, an order was filed in the court consolidating the proceedings covered by the three aforementioned libels into one court proceeding, and on the said date Charles K. Stone, agent, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the wooden containers of the cases of pork and beans should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $1,700, in conformity with section 10 of the act, conditioned that the product should not be sold or otherwise disposed of contrary to the provisions of said act or the laws of the State of New York, it being understood that the said cases of pork and beans might be transported by said Charles K. Stone, as agent, to the plant of the Elyria Canning Co., Elyria, Ohio, for disposition as aforesaid, but not otherwise.

[Note.—The product, after arrival at Elyria, Ohio, was dumped and fed to hogs on the farm of the Elyria Canning Co.]

C. F. Marvin, *Acting Secretary of Agriculture.*

4248. Adulteration and misbranding of oats. U. S. v. 201 Bags of Oats * * *. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 6557. S. No. E-283.)

On May 24, 1915, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 201 bags, each containing about 160 pounds of a food product called "White Oats, Sulphurized," remaining unsold in the original unbroken packages at Athens, Ga., alleging that the product had been shipped, on or about May 12, 1915, by S. Zorn & Co., Louisville, Ky., and transported from the State of Kentucky into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "S. Zorn & Co., Louisville, Ky. White Oats, Sulphurized."

It was alleged in the libel that the article was adulterated in the following respects, to wit, said product was labeled and purported to be "White Oats, Sulphured [Sulphurized]," and a substance, to wit, barley, had been substituted in part for the oats, and the said product contained about 11 per cent of barley which had been substituted for the oats in said product, which was therefore adulterated in violation of section 7, paragraphs 1 and 2, under "Food" of said Food and Drugs Act.

Misbranding was alleged for the reason that the product was in package form, to wit, in bags, and the quantity of the contents contained in said packages was not plainly and conspicuously marked on the outside of said packages and bags in terms of weight, measure, or numerical count, nor was the quantity of the contents of said packages in any wise marked on the outside of the packages and bags containing said product in the terms of weight, measure, or numerical count. Misbranding was alleged for the further reason that the labels on the bags containing said food product announced and declared said food product to be "White Oats, Sulphured [Sulphurized]," when, in truth and in fact, about 11 per cent of the contents of said bags was barley and not white oats sulphured [sulphurized], and therefore said product was labeled and branded so as to mislead and deceive the purchaser.

On June 1, 1915, S. Zorn & Co., claimants, having admitted the truth of the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants, upon payment of the costs of the proceedings and the execution and delivery of a good and sufficient bond in the sum of $600, in conformity with section 10 of the act, one of the conditions being that the claimants should label the goods so as to show the presence of barley as one of the ingredients contained therein and so as to show the contents of the bags in weight or measure.

C. F. Marvin, *Acting Secretary of Agriculture.*

4249. Misbranding of "Dr. White's Specialty for Diphtheria." U. S. * * * v. 1 Gross of * * * "Dr. White's Specialty for Diphtheria." Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6578. I. S. No. 4202–k. S. No. E–299.)

On June 4, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of one gross of a preparation called "Dr. White's Specialty for Diphtheria," remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped and transported from the State of Rhode Island into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel of information for the reason that said packages and the labels thereof bore and contained statements, designs, and devices regarding the curative and therapeutic effect of said drugs, that is to say, (on bottle), "* * * Specialty for Diphtheria * * * proved to be a panacea for this distressing disease. It is also an excellent remedy for coughs, colds, or any affection of the throat." (Wrapper:) "* * * Specialty for Diphtheria * * * proved to be a panacea for this distressing disease. It is also an excellent remedy for coughs, colds, or any affection of the throat. * * *" (Circular:) "* * * Specialty for Diphtheria. * * * thousands of cases have been treated by it with a greater percentage of cures than from all other remedies combined. * * * a specific for this terrible disease, Diphtheria. * * * many precious lives may be saved by its timely administration. * * *" "* * * Specialty for Diphtheria has no equal in all cases where a remedy for all throat affections is required. For bronchitis and all throat troubles your Specialty for Diphtheria has no equal * * * for all throat affections is required, your Specialty for Diphtheria has no equal. * * * Your Specialty for Diphtheria has no equal for bronchitis and all throat troubles. * * * Specialty for Diphtheria I find the best remedy for all throat and lung troubles, * * * colds, sore throat, or bronchial troubles * * * Dr. White's Specialty the best medicine in the world. * * * Have used your Specialty for colds and sore throat. Have never known it to fail. * * * nothing better for throat troubles than your Specialty for Diphtheria. * * * Specialty for Diphtheria is the best remedy for sore throat * * * Specialty for Diphtheria * * * just the medicine for cold, sore throat and bronchial troubles", which said statements, designs, and devices were false and fraudulent because said drugs had no such curative and therapeutic effect as set forth in said statements, designs, and devices.

On June 24, 1915, Belle R. White, Adamsville, R. I., claimant, having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings.

C. F. Marvin, *Acting Secretary of Agriculture.*

4250. Adulteration and misbranding of oats. U. S. * * * v. 48,000 Pounds of Oats * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6579. I. S. No. 11688-k. S. No. E-300.)

On June 4, 1915, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 48,000 pounds of oats, remaining unsold and unloaded from the car at St. Paul, Va., alleging that the product had been shipped by Callahan & Sons, Inc., Louisville, Ky., on May 27, 1915, and transported from the State of Kentucky into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated and misbranded [in] that it purported to be 48,000 pounds of oats and [was] in sacks of approximately 160 pounds each, labeled "Dixie White Oats Special," and billed as sacked oats, and that said adulteration [and misbranding] of said article was that it contained 12.5 per cent barley and was heavily bleached.

On June 29, 1915, the said Callahan & Sons, claimant, having filed its claim and the cause having been submitted to the court by agreement of counsel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $1,000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

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U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 4251–4300.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 1, 1916.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

4251. Adulteration and misbranding of oats. U. S. v. 150 Sacks of Oats. Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6580. I. S. No. 11691-k. S. No. E-302.)

On June 5, 1915, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 sacks of oats, remaining unsold in the original unbroken packages at Pelham, Ga., alleging that the product had been shipped on or about May 27, 1915, by Callahan & Sons (Inc.), Louisville, Ky., and transported from the State of Kentucky into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the sacks was labeled "Georgia White Oats Special."

It was alleged in the libel that the oats were adulterated in violation of section 7, paragraphs first and second, under "Food," and misbranded in violation of section 8, first general paragraph, and paragraph "second" under "Food," of the act of Congress of June 30, 1906, known as the Food and Drugs Act, for the reason that said product was heavily bleached, and contained added water and 20.3 per cent of barley and screenings.

On June 17, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal. It was further provided that if a claimant should within sixty days execute bond in the sum of $60, in conformity with section 10 of the act, and pay the costs of the proceedings, that the oats should be delivered to such claimant. On June 23, 1915, the goods were released to Callahan & Sons (Inc.), Louisville, Ky., the conditions of the decree having been complied with.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4252. Adulteration of tomato pulp. U. S. * * * v. 50 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 6581, 6582. I. S. No. 14565-k. S. No. C-235.)

On June 4, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, more or less, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on September 11, 1914, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the article of food, when it was so shipped as aforesaid, consisted in part of a filthy animal substance; for the further reason that it consisted in part of a filthy vegetable substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted in part of a decomposed vegetable substance; for the further reason that it consisted in part of a putrid animal substance; and for the further reason that it consisted in part of a putrid vegetable substance.

On August 4, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product consisted of an animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*

4253. Adulteration and misbranding of oats. U. S. v. 150 Bags of Oats * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6591. I. S. No. 11693–k. S. No. E–305.)

On June 10, 1915, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 bags of oats, remaining unsold in the original unbroken packages at Raleigh, N. C., alleging that the product had been shipped May 31, 1915, by Callahan & Sons (Inc.), Louisville, Ky., and transported from the State of Kentucky into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The bags were labeled "160 pounds white oats."

It was alleged in the libel that the oats were in violation of section 7, Food and Drugs Act, paragraphs 1 and 2, the said oats being heavily bleached and containing a large per cent of barley screenings, and were therefore adulterated within the meaning of said act. It was further alleged that the oats were in violation of section 8 of said act, first general paragraph and paragraph 2, [being] labeled "160 pounds white oats," when, in truth and in fact, the said label was false and misleading, and the said sacks did not contain 160 pounds of white oats, but contained and were supposed to contain 160 pounds of adulterated oats, as above set forth, and were therefore misbranded in violation of the section of law as above quoted. It was further alleged that the adulteration of the oats, as herein set out, and the false misbranding and labeling of the same, were all contrary to the Food and Drugs Act, passed June 30, 1906.

On June 30, 1915, the said Callahan & Sons (Inc.), claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $300 in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4254. Adulteration and misbranding of so-called birch oil. U. S. * * * v. 2 Cans * * * Birch Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6596. I. S. No. 3805–k. S. No. E–308.)

On June 8, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cans, each containing approximately 50 pounds of a product purporting to be birch oil, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about May 22, 1915, and transported from the State of Kentucky into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cans were labeled, in part: "From V. B. B., Berea, Kentucky," and were invoiced and described by the shipper thereof as birch oil.

It was alleged in the libel that the product was adulterated in violation of section 7, paragraphs first and second, under the title "Food" of said act, in that said product was offered for sale as birch oil, when, in fact, it consisted almost entirely of methyl salicylate, which had been mixed and packed with and substituted for birch oil.

Misbranding was alleged for the reason that the product was offered for sale and invoiced by the shipper thereof as birch oil, whereas, in truth and in fact, it consisted largely of methyl salicylate, which was substituted for the pure oil.

On July 7, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4255. Adulteration of tomato pulp. U. S. * * * v. 400 Cases * * * Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 6598, 6599. I. S. Nos. 14567–k, 14568–k. S. Nos. C–241, C–242.)

On June 8, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on May 8, 1915, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that, when it was shipped as aforesaid, it consisted in part of a filthy animal substance; for the further reason that it consisted in part of a filthy vegetable substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted in part of a decomposed vegetable substance; for the further reason that it consisted in part of a putrid animal substance; and for the further reason that it consisted in part of a putrid vegetable substance.

On August 4, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product consisted of an animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*

4256. Adulteration of tomato pulp. U. S. * * * v. 129 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6603. I. S. No. 14571-k. S. No. C-246.)

On June 10, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 129 cases, more or less, each containing 24 cans of tomato pulp, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on May 8, 1915, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the article of food, when it was so shipped as aforesaid, consisted in part of a filthy animal substance; for the further reason that it consisted in part of a filthy vegetable substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted in part of a decomposed vegetable substance; for the further reason that it consisted in part of a putrid animal substance; and for the further reason that it consisted in part of a putrid vegetable substance.

On August 4, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department., upon which the proceedings in this case were based, did not include a finding that the product consisted of an animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*

4257. Adulteration and misbranding of oats. U. S. v. 200 Bags of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6612. I. S. No. 11698–k. S. No. E–317.)

On or about June 10, 1915, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 bags of oats, remaining unsold in the original unbroken packages at Wilmington, N. C., alleging that the product had been shipped June 1, 1915, by McDonald & Co., New Albany, Ind., and transported from the State of Indiana into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the bags was labeled: "McDonald's Magic Purified Oats 159–1/4 lbs. when packed."

It was alleged in the libel that the oats were in violation of section 7 of the Food and Drugs Act, paragraphs 1 and 2, the said oats being heavily adulterated with added water within the meaning of the said act, and were, therefore, for that cause liable for seizure and forfeiture by the United States under the said act.

It was further alleged in the libel that the oats were in violation of section 8 of said act, first general paragraph, and paragraph second [being] labeled, "McDonald's Magic Purified Oats 159–1/4 lbs. when packed," when, in truth and in fact, the said label was false and misleading, and the said bags did not contain 159¼ pounds, but contained [and were supposed to contain] 150 pounds, more or less, of adulterated oats as above set out, and were, therefore, misbranded in violation of the section of law as above quoted.

On June 24, 1915, the said McDonald & Co., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon payment of all the costs of the proceedings and the execution of bond in the sum of $500, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4258. Adulteration of oats. U. S. v. 240 Bags of Oats * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6613. I. S. No. 11699-k. S. No. E-318.)

On June 12, 1915, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 240 bags of oats, remaining unsold in the original unbroken packages at Athens, Ga., alleging that the product had been shipped about June 1, 1915, by McDonald & Co., New Albany, Ind., and transported from the State of Indiana into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The product was label: "McDonald's Magic Purified Oats 159-1/4 lbs. when packed."

It was alleged in the libel that the article was adulterated in violation of section 7, paragraphs first and second, of said Food and Drugs Act under "Food" in the following respects, to wit, a substance, to wit, water, had been mixed and packed with said oats so as injuriously to affect the quality thereof, and a substance, to wit, water, had been substituted in part for the oats.

On June 18, 1915, the said McDonald & Co., claimants, having admitted the truth of the allegations contained in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said McDonald & Co., upon payment of the costs of the proceedings and the execution of bond in the sum of $600, in conformity with section 10 of the act, one of the conditions being that the bags should be labeled so as to show the amount of moisture contained therein.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4259. Adulteration of oats. U. S. v. 225 Bags of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6614. I. S. No. 16109–k. S. No. E–319.)

On June 10, 1915, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 225 bags of oats, remaining unsold in the original unbroken packages at Macon, Ga., alleging that the product had been shipped on or about June 1, 1915, by McDonald & Co., New Albany, Ind., and transported from the State of Indiana into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. Each of the bags was labeled: "McDonald's Magic Purified Oats 159–1/4 lbs. when packed."

Adulteration of the article was alleged in the libel for the reason that the same contained water added to said natural oats.

On June 21, 1915, the said McDonald & Co., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon payment of the costs of the proceedings and the execution of bond in the sum of $75, in conformity with section 10 of the act, one of the conditions being that the oats should be relabeled so as to show the amount of moisture contained therein.

CARL VROOMAN, *Acting Secretary of Agriculture.*

36425°—16——2

4260. Adulteration of canned pork and beans. U. S. * * * v. 50 Cases * * * of Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6617. I. S. No. 3249-k. S. No. E-320.)

On June 15, 1915, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing two dozen cans, of a product purporting to be pork and beans, remaining unsold in the original unbroken packages at Elizabethport, N. J., alleging that the product had been shipped and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The cans were labeled: "Shepherd Brand (picture of shepherd and flock) Pork and Beans With tomato sauce Contents 1 pound 12 ounces Shepherd Brand Pork and Beans with tomato sauce Hart Brothers Saginaw, Michigan. (picture of collie dog)."

Adulteration of the pork and beans was alleged in the libel for the reason that they consisted in whole or in part of a decomposed vegetable and animal substance.

On July 12, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product consisted of a decomposed animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*

4261. Adulteration and misbranding of vinegar. U. S. v. 14 Barrels Apple Cider Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6627. I. S. No. 3341–k. S. No. E–313.)

On June 17, 1915, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 barrels of so-called apple cider vinegar, remaining unsold in the original unbroken packages at Atlanta, Ga., alleging that the product had been shipped on or about April 13, 1915, by the Brocton Fruit Products Co., Brocton, N. Y., and transported from the State of New York into the State of Georgia, and charging adulteration and misbranding of the article in violation of the Food and Drugs Act. The product was labeled: "Brocton Fruit Products Co., Russet Brand Apple Cider Vinegar, Brocton, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance other than apple cider vinegar, to wit, distilled vinegar or dilute acetic acid, had been mixed and packed with, and substituted in part for, apple cider vinegar, so as to reduce and lower and injuriously affect the quality of said food product.

Misbranding was alleged for the reason that the product was labeled "Apple Cider Vinegar," when, in fact, it was not apple cider vinegar, but contained distilled vinegar or dilute acetic acid, and the same was labeled so as to deceive and mislead the purchaser to believe that said product was pure apple cider vinegar, when, in fact, it contained distilled vinegar or dilute acetic acid.

On July 12, 1915, the said Brocton Fruit Products Co., claimant, having admitted the allegations contained in the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of $250, in conformity with section 10 of the act, one of the conditions being that the article should be rebranded.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4262. Adulteration of tomato paste. U. S. v. George Roncoroni. Plea of guilty. Fine, $25. (F. & D. No. 6639. I. S. No. 1314-k.)

On September 21, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Roncoroni, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on August 25, 1914, from the State of New York into the State of Pennsylvania, of a quantity of tomato paste, which was adulterated. The product was labeled: (On can) "Tomato Paste Red Alloway Pkg. Co. Alloway, N. J. Net Weight 14 Oz. Serial No. 10788." (On shipping package) "Tomato Paste G. Roncoroni, 148 Spring St., N. Y."

Examination of samples of the product by the Bureau of Chemistry of this department showed the following results:

Sample No.	Yeast and spores per 1/60 cmm.	Bacteria per cc.	Mold filaments present in per cent of microscopic fields.
			Per cent fields.
1	63	280,000,000	20
2	99	450,000,000	14

A partially decomposed vegetable product.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed vegetable matter.

On September 30, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4263. Adulteration of whole Japan ginger. U. S. * * * v. 25 Bags of Whole Japan Ginger * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6656. I. S. No. 3098-k. S. No. E-331.)

On June 28, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 bags of whole Japan ginger, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been shipped and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable matter. It was further alleged that the product was colored, powdered, and coated with chalk or some similar substance in a manner whereby damage or inferiority in same was concealed.

On September 27, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4264. Adulteration of oats. U. S. * * * v. 1 Carload of Bulk Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6658. I. S. No. 16152-k. S. No. C-257.)

On or about June 28, 1915, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 carload of bulk oats, remaining unsold and unloaded from the car at Cleveland, Ohio, alleging that the product had been shipped by Paul Kuhn & Co., Terre Haute, Ind., on or about June 18, 1915, and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with the oats so as to reduce or lower or injuriously affect their quality or strength, and for the further reason that a substance, to wit, water, had been substituted in part for the article.

On July 24, 1915, Elizabeth A. Kuhn and Paul Kuhn, copartners, doing business as Paul Kuhn & Co., Terre Haute, Ind., claimants, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon payment of the costs of the proceedings and the execution of bond in the sum of $1,500, in conformity with section 10 of the act, one condition being that the oats should be dried out thoroughly and restored to their normal moisture content under the supervision of an inspector of the Department of Agriculture.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4265. Adulteration and misbranding of catsup. U. S. * * * v. 10 Kegs of * * * Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6659. I. S. No. 18900–k. S. No. W–51.)

On June 24, 1915, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 kegs of catsup, remaining unsold in the original unbroken packages at Marshfield, Oreg., alleging that the product had been shipped on or about June 17, 1915, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled, in part: "Lewis Packing Company Catsup, One Fifth of One per cent Benzoate of Soda. San Francisco Tomatoes, Sugar, Glucose, Salt, Spices, Vinegar."

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, and putrid vegetable substance; that said substance was badly decomposed and had black rot present therein, and was wholly unfit for food.

Misbranding of the article was alleged for the reason that the label on each of the packages bore a design, device, and statement regarding said catsup which was false and misleading in the following particulars, to wit, that said label alleged that the contents of said kegs was catsup, when, in truth and in fact, the contents of said kegs was not catsup. It was further alleged that the label and brand of said catsup was so displayed as to deceive and mislead a purchaser to believe that the contents of said kegs was catsup.

On September 30, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4266. Adulteration of oats. U. S. * * * v. 300 Bags * * * of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6663. I. S. No. 16111-k. S. No. E-310.)

On or about June 30, 1915, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 bags, more or less, each containing 160 pounds of oats, remaining unsold in the original unbroken packages at Bluefield, W. Va., alleging that the product had been shipped on or about June 1, 1915, by Callahan & Sons (Inc.), Louisville, Ky., and transported from the State of Kentucky into the State of West Virginia, and charging adulteration in violation of the Food and Drugs Act. The product was labeled "160 lbs. Callahan's Electric Oats choice white."

Adulteration of the article was alleged in the libel for the reason that said oats contained water, which had been added thereto so as to reduce and lower and injuriously affect the quality and strength thereof, and which said water had been substituted in part for the said article.

On July 28, 1915, the said Callahan & Sons (Inc.), claimant, having filed its claim for the property and having declined to plea further or offer proof, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $300, in conformity with section 10 of the act. It was further ordered by the court that said claimant should be required to dry out the oats so as to remove all added moisture, and for said purpose that the oats might be removed to Louisville, Ky.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4267. Adulteration of pork and beans with tomato sauce. U. S. * * * v. 45 Cases of Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6664. I. S. No. 2830–k. S. No. E–329.)

On June 29, 1915, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 45 cases of pork and beans with tomato sauce, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the product had been shipped on or about May 8, 1915, and transported from the State of Wisconsin into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Eureka Brand High Grade Pure Food Products Pork and Beans with Tomato Sauce Packed by Wisconsin Pea Canners' Co., Manitowoc, Wis. Eureka Brand (Design) Pork and Beans with Tomato Sauce Quality Guaranteed by Wisconsin Pea Canners' Co. Contents 1 lb. 12 oz. W. P. C. Co."

It was alleged in the libel that the pork and beans were adulterated in that they consisted, in whole or in part, of a decomposed vegetable and animal substance, and for the further reason that they were mixed in a manner whereby damage and inferiority were concealed.

On July 28, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the article was composed of a decomposed animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*

36425°—16——3

4268. Misbranding of "Prof. Hoff's Prescription." U. S. * * * v. 35 Packages of "Prof. Hoff's Prescription" * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6665. I. S. No. 3071-k. S. No. E-332.)

On June 29, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 packages of "Prof. Hoff's Prescription," remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been shipped and transported from the State of New York into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act as amended.

The packages, labels, circulars, and wrappers were labeled in part as follows: "Prof. Hoff's Prescription, Bendiner and Schlesinger, Chemists, N. Y., Prof. Hoff's, Prof. Hoff's Prescription, After the recipe of the author, indicated in the treatment of asthma, catarrh, bronchitis, hay fever, pulmonary tuberculosis and chronic coughs, guaranteed by Bendiner and Schlesinger under the Food and Drugs Act, June 30, 1906, Guaranteed No. 5023, Bendiner and Schlesinger Chemists, third Avenue and 10th Street, New York, established 1843. Dose six drops in a little water twice a day after breakfast and after supper, increase two drops each week until the maximum dose of twenty-two drops has been reached, then decrease by two drops each week;" and on each of said circulars the following: "* * * Remedy * * * its efficacy * * * The remedy * * * for pulmonary ailments * * * remedy * * * remedy * * * efficiency of the remedy. Asthma * * * this will make the attacks less recurrent, and will eventually work a cure. In aggravated forms and when a paroxysm is anticipated * * * you will ward off the attack * * * an additional ten drops * * * will promptly arrest the spasm * * * for catarrhal bronchitis;" and in each of said wrappers the following: "Indicated in the treatment of asthma, catarrh, bronchitis, hay fever, and pulmonary tuberculosis."

Misbranding of the article was alleged in the libel for the reason that said labels, circulars, and wrappers on each of said packages contained statements regarding the curative, therapeutic, and physiological effect of said article and of the ingredients and substances contained therein, which were false and fraudulent, as neither the said article nor the said ingredients or substances contained therein were capable of producing the curative, therapeutic, and physiological effect claimed therefor in said labels, circulars, and wrappers.

On September 27, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4269. Adulteration of tomato paste. U. S. * * * v. 20 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6666. I. S. Nos. 794–k, 799–k. S. No. E–333.)

On June 29, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 20 cases of tomato paste, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped and transported from the State of New Jersey into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that the same consisted in part of a filthy, putrid, and decomposed vegetable substance.

On August 11, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4270. Adulteration of tomato pulp. U. S. v. * * * 25 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6667. I. S. No. 3671–k. S. No. E–334.)

On June 29, 1915, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each case containing a number of cans of tomato pulp, remaining unsold in the original unbroken packages at Passaic, N. J., alleging that the product had been shipped on June 18, 1915, and transported from the State of Maryland into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Fox Creek Brand Tomato Pulp Made from pieces and trimmings of tomatoes. Packed by J. Frank Hearn Wingate, Md. Fox Creek Brand (picture of fox) Packed by J. Frank Hearn Wingate, Md. Guaranteed by J. Frank Hearn under the Food and Drugs Act, June 30, 1906. Serial No. 9602. Weight Contents 10 Oz."

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a decomposed vegetable and animal substance.

On July 28, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product consisted of a decomposed animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*

4271. Adulteration of tomato paste. U. S. * * * v. 25 Cases * * * of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6669. I. S. No. 16409–k. S. No. C–260.)

On June 29, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, more or less, each containing 100 cans of tomato paste, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on June 9, 1915, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the article, when it was so shipped as aforesaid, consisted of a partially decomposed vegetable substance; for the further reason that it consisted of a partially decomposed animal substance; for the further reason that it consisted in part of a filthy vegetable substance; and for the further reason that it consisted in part of a filthy animal substance.

On September 11, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product consisted of an animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*

4272. Adulteration of oats. U. S. * * * v. 1 Carload of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6672. I. S. No. 16155-k. S. No. E-335.)

On June 30, 1915, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 carload of oats, remaining unsold and unloaded from the car at Philadelphia, Pa., alleging that the product had been shipped on or about June 19, 1915, and transported from the State of Indiana into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was adulterated in the following manner: Water had been mixed with the oats so as to injuriously affect its quality; water had been substituted in part for oats.

On July 16, 1915, H. W. Koch & Co., Philadelphia, Pa., claimant, having admitted the averments of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $1,500, in conformity with section 10 of the act.

[NOTE.—Before the oats were released the excess moisture contained in them was removed by drying, under the supervision of an inspector of this department.]

CARL VROOMAN, *Acting Secretary of Agriculture.*

4273. Adulteration and misbranding of coffee. U. S. v. Christus P. Nicholoulias (Greek-Arabian Coffee Co.). Plea of guilty. Fine, $15. (F. & D. No. 6675. I. S. No. 2408–h.)

On September 22, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Christus P. Nicholoulias, trading as the Greek-Arabian Coffee Co., New York, N. Y., alleging the sale by said defendant on June 21, 1913, under a guaranty that the article of food was not adulterated or misbranded within the meaning of the Food and Drugs Act, of a quantity of coffee which was an adulterated and misbranded article of food within the meaning of said act, and which said article, in the identical condition in which received, was, on or about July 11, 1913, shipped by the purchaser thereof from the State of New York into the State of Ohio in violation of the Food and Drugs Act. The product was labeled: "King Othon Coffee Three Kinds Beans, Ground and Pulverized Turkish Style Packed Airtight in Tin Cans by Greek Arabian Coffee Company New York, U. S. A. Greek Arabian Coffee Company Cream Mocha trade mark Absolutely Pure Guaranteed by Greek Arabian Coffee Co. under the Food and Drugs Act June 30, 1906. Serial No. 41955." (Statements in Greek and picture of man in Greek costume.)

Examination of a sample of the product by the Bureau of Chemistry of this department showed it to be principally, if not entirely, Santos. No evidence of fancy Mocha as indicated on the label was detected.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a mixture of coffees other than Mocha, had been substituted, in whole or in part, for cream Mocha which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Cream Mocha" and "Absolutely Pure," regarding the article and the ingredients and substances contained therein, were false and misleading, in that they indicated that said article was pure Mocha, whereas, in truth and in fact, said article was not pure Mocha, but was, to wit, a mixture of coffees other than Mocha containing little, if any, Mocha. Misbranding was alleged for the further reason that the article was labeled "Cream Mocha" and "Absolutely Pure" so as to deceive and mislead the purchaser into the belief that said article was pure Mocha, whereas, in truth and in fact, it was not pure Mocha, but was a mixture of coffees other than Mocha, containing little, if any, Mocha.

On September 28, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $15.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4274. Adulteration and misbranding of vinegar. U. S. * * * v. 5 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6677. I. S. No. 14160-k. S. No. C-254.)

On July 2, 1915, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels of vinegar, remaining unsold in the original unbroken packages at Kasota, Minn., alleging that the product had been shipped on May 28, 1915, by J. J. Black, Durand, Wis., and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The head of each barrel was labeled: "Guaranteed Apple Cider Vinegar. Fortified with A.A. to 4½ Standard Strength Blended with pure carmel J. J. Black—Durand, Wisconsin." On the shipping tag attached to each barrel appeared the following, in part: "From Black's Cider and Vinegar Company, General and Sales Offices Chippewa Falls, Wisconsin."

It was alleged in the libel that the article was adulterated in that substances had been mixed with said vinegar so as to reduce and lower its quality and strength, and that substances had been substituted in part for said aforesaid article, to wit, vinegar, in that a dilute solution of acetic acid or distilled vinegar had been mixed and substituted with and in said vinegar in violation of paragraphs first and second of section 7 of said Food and Drugs Act.

It was further alleged that each barrel of the vinegar was an imitation of, and offered for sale under the distinctive name of, another article, to wit, cider vinegar, and was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof in that it was a product artificially prepared, mixed, and compounded so as to resemble and purport to be a genuine food article, to wit, cider vinegar, but added to and intermixed therein was a dilute solution of acetic acid or distilled vinegar. It was further alleged that each of the barrels of vinegar was so misbranded in violation of paragraphs first and second of section 8 of said Food and Drugs Act.

On August 9, 1915, the said John J. Black, claimant, doing business as Black's Cider and Vinegar Co., having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be returned to said claimant upon payment of the costs of the proceedings and the execution and delivery of a good and sufficient bond in conformity with section 10 of the act.

[Note.—The bond required in F. & D. Nos. 6683 to 6688, inclusive, Notice of Judgment No. 4276, also covers the product in this case.]

Carl Vrooman, *Acting Secretary of Agriculture.*

4275. Adulteration and misbranding of vinegar. U. S. * * * v. 10 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6679. I. S. No. 14163–k. S. No. C–256.)

On July 2, 1915, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels of vinegar, remaining unsold in the original unbroken packages at Jeffers, Minn., alleging that the product had been shipped on May 28, 1915, by J. J. Black, Durand, Wis., and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the barrel heads was labeled: "Guaranteed Apple Cider Vinegar. Fortified with A.A. to 4½ Standard Strength Blended with pure carmel J. J. Black—Durand, Wisconsin." On the shipping tag attached to each barrel appeared the following, in part: "From Black's Cider and Vinegar Company, General and Sales Offices Chippewa Falls, Wisconsin."

It was alleged in the libed that the vinegar was adulterated in that substances had been mixed with said vinegar so as to reduce and lower its quality and strength, and that substances had been substituted in part for said aforesaid article, to wit, vinegar, in that a dilute solution of acetic acid or distilled vinegar had been mixed and substituted with and in said vinegar in violation of paragraphs first and second of section 7 of said Food and Drugs Act.

It was further alleged that each barrel of the vinegar was an imitation of, and offered for sale under the distinctive name of, another article, to wit, cider vinegar, and was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof in that it was a product artificially prepared, mixed, and compounded so as to resemble and purport to be a genuine food article, to wit, cider vinegar, but added to and intermixed therein was a dilute solution of acetic acid or distilled vinegar. It was further alleged that each of the barrels of vinegar was so misbranded in violation of paragraphs first and second of section 8 of said Food and Drugs Act.

On August 9, 1915, the said John J. Black, claimant, doing business as Black's Cider and Vinegar Co., having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of the costs of the proceedings and the execution and delivery of a good and sufficient bond in conformity with section 10 of the act.

[Note.—The bond required in F. & D. Nos. 6683 to 6688, inclusive, Notice of Judgment No. 4276, also covers the product in this case.]

Carl Vrooman, *Acting Secretary of Agriculture.*

4276. Adulteration and misbranding of vinegar. U. S. * * * v. 70 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 6683, 6684, 6685, 6686, 6687, 6688. I. S. Nos. 14161-k, 14162-k. S. No. C-255.)

On July 2, 1915, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 70 barrels of vinegar, remaining unsold in the original unbroken packages at Tracy, Minn., alleging that the product had been shipped on May 28, 1915, by J. J. Black, Durand, Wis., and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each barrel head was labeled: "Guaranteed Apple Cider Vinegar. Fortified with A.A. to 4½ standard strength. Blended with pure carmel. J. J. Black, Durand, Wis." On the shipping tag attached to the barrels appeared the following, in part: "From Black's Cider & Vinegar Company, General and Sales Offices Chippewa Falls, Wisconsin."

It was alleged in the libel that the vinegar was adulterated in that substances had been mixed with said vinegar so as to reduce and lower its quality and strength, and that substances had been substituted in part for said aforesaid article, to wit, vinegar, in that a dilute solution of acetic acid or distilled vinegar had been mixed and substituted with and in said vinegar in violation of paragraphs first and second of section 7 of said Food and Drugs Act.

It was further alleged that the vinegar was an imitation of, and offered for sale under the distinctive name of, another article, to wit, cider vinegar, and was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof in that it was a product artificially prepared, mixed, and compounded so as to resemble and purport to be a genuine food article, cider vinegar, but added and intermixed therein was a dilute solution of acetic acid or distilled vinegar. It was further alleged that each of said barrels of vinegar was so misbranded in violation of paragraphs first and second of section 8 of said Food and Drugs Act.

On August 9, 1915, the said John J. Black, doing business as Black's Cider & Vinegar Co., Durand, Wis., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of the costs of the proceedings and the execution and delivery of a good and sufficient bond in the sum of $500, in conformity with section 10 of the act. It was provided in said decree that said bond should be deemed to be sufficient to cover the redelivery of the merchandise in causes 74 and 75, entitled, respectively, U. S. v. 10 Barrels and 5 Barrels of Vinegar (F. & D. Nos. 6677 and 6679, Notices of Judgment Nos. 4274 and 4275.)

CARL VROOMAN, *Acting Secretary of Agriculture.*

4277. Adulteration of oats. U. S. v. 3 Carloads of Oats * * * and 2 Carloads of Oats * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 6689, 6705. I. S. Nos. 15515–k, 15516–k, 15517–k, 14767–k, 14768–k. S. Nos. E–345, E–352.)

On July 6 and July 10, 1915, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3 carloads and 2 carloads of oats, remaining unsold and unloaded from the cars in or near Newport News, Va., alleging that the product had been shipped on or about June 24, 1915, by the W. L. Green Commission Co., St. Louis, Mo., and transported from the State of Missouri into the State of Virginia for export to a foreign country, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the oats was alleged in the libels for the reason that they had been mixed and packed with a certain substance, to wit, water, so as to reduce and lower and injuriously affect their quality and strength. Adulteration was alleged for the further reason that a certain substance, to wit, water, had been substituted in part for oats.

On July 16, 1915, the two cases, which had been consolidated into one court proceeding, having come on for hearing, and the said W. L. Green Commission Co., claimant, having admitted the allegations of the libels, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant company upon payment of all the costs of the proceedings and the execution of bond in the sum of $4,000, in conformity with section 10 of the act, and it was further ordered that the United States marshal, before executing the release of the product, should see and require that the oats be dried so as to remove all added water.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4278. Adulteration of oats. U. S. * * * v. 2 Carloads of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6690. I. S. Nos. 15838-k, 16164-k. S. No. E-346.)

On July 2, 1915, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 carloads of oats, remaining unsold and unloaded from the cars at Richmond, Va., alleging that the product had been shipped on or about June 24, 1915, by S. Zorn & Co., Louisville, Ky., and transported from the State of Kentucky into the State of Virginia for export to a foreign country, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that said oats had been mixed and packed with a certain substance, to wit, water, so as to reduce and lower and injuriously affect their quality and strength, and further in that a certain substance, to wit, water, had been substituted in part for oats.

On July 17, 1915, the said S. Zorn & Co., Louisville, Ky., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $2,000, in conformity with section 10 of the act. It was further ordered by the court that the marshal, before executing the release of the product, should see and require that the oats be dried so as to remove all added water.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4279. Adulteration of canned pork and beans. U. S. * * * v. 365 Cases * * * of * * * Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6695. I. S. Nos. 16239–k, 16240–k. S. No. C–263.)

On July 3, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 365 cases, 105 of which contained 48 cans, and 260 of which contained 24 cans, each, of pork and beans, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been shipped and transported from the State of Michigan into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The 105 cases and cans therein were labeled: "Contents 11 ounces.—Shepherd Brand Pork and Beans With Tomato Sauce.—Hart Brothers, Saginaw, Michigan." The 260 cases and cans therein were labeled: "Contents 1 pound 12 ounces.—Shepherd Brand Pork and Beans With Tomato Sauce.—Hart Brothers, Saginaw, Michigan."

Adulteration was alleged in the libel for the reason that the article of food contained, and in part consisted of, a decomposed vegetable substance.

On September 13, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4280. Misbranding of "Samaritan Nervine." U. S. * * * v. 4 Gross Packages of * * * "Samaritan Nervine." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6700. I. S. No. 4206-k. S. No. E-322.)

On July 9, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of four gross (packages) of a product called "Samaritan Nervine," remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped and transported from the State of Missouri into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act as amended.

Misbranding of the article was alleged in the libel of information because said packages and labels thereof bore and contained statements, designs, and devices regarding the curative and therapeutic effects of said product, that is to say: (On bottle) "Samaritan Nervine Temperance Medicine Free from Alcohol Trade Mark The World is my Field The great Nerve Conqueror." (On label, circular, and carton) "The Great Nerve Conqueror," "A most excellent medicine for use in the treatment of diseases of the Kidneys and Liver * * * Gravel, * * * Stone in Bladder, Dropsy, * * * Indigestion, Scrofula, Blood Diseases, * * * Alcoholism, Opium Eating, Female Disorders," "A Thoroughly Tried Meritorious Medicine useful in the treatment of * * * Rheumatism, * * * Paralysis, Spermatorrhœa, * * * and all Nervous and Blood Diseases," "There are thousands of afflicted persons dying annually of what many people pronounce consumption, when in reality it is nothing more nor less than liver and kidney disease. * * * To those afflicted with any ailment arising from disordered liver and kidneys, we heartily recommend Samaritan Nervine, the great nerve conqueror," "This light and hope comes in the guise of Dr. Richmond's Samaritan Nervine. Physicians admit that they have no specific for Kidney Disorders, and they cannot remove the cause. Many happy hours and cheerful hearts are the results of this wonderful remedy. Yielding to the persistent efforts of one physician, science has at last unlocked her portals and the remedy is found," "When we say that our Samaritan Nervine is the best medicine on earth, we mean it and can produce the evidence to prove it. It has saved more lives and done more good to mankind during the past few years than all other remedies of the kind in existence. It has performed the most wonderful cures on record. There are many, doubtless, who will not believe that chemical science has discovered in nature's laboratory a remedy for nine-tenths of all man's afflictions. Yet such is the plain truth, chemistry is the wisdom of this country," "Epilepsy or Falling Sickness * * * We are continually receiving inquiries from persons afflicted, asking information as to how long teatment must continue in order to cure epilepsy. First let us say that it is a disease which requires longer time to cure than almost any other disease the human family is subject to, and it is a disease that is very difficult to cure, once it has become chronic, * * * Of all the remedies and combinations of remedies that have been found and exploited as lessening the severity and frequency of epileptic seizures, and often effecting cures, we know of none that has been longer on the market or given better results than our Samaritan Nervine," (testimonials) "'As I have been cured by your remedy and I think I ought to write to you in regard to it. I had epileptic fits for four years and five doctors said that there was no help for me and a friend recommended your remedy and I commenced taking it and it cured me.' * * * C. F. Van Scoy," "'I let you herewith know after so many years that Samaritan Nervine cured me of epilepsy of long standing, in

the year 1883,' * * * John Scholer," "'The writer fully believes she would not be doing justice to you, nor would she be appreciative of the merit of Samaritan Nervine, did she fail to inform you of the permanent cure of her son, Deloss H. Green, who, for the past nine years has been a chronic sufferer of epileptic fits, stomach and kidney ailments. The best doctors of Roseburg, Oregon, and specialists of Portland, Oregon, had pronounced my son's case hopeless and said there was no cure and that the boy would eventually lose his mind and die. The boy is now twenty years of age. Two years ago a friend of the writer recommended Samaritan Nervine for the epileptic fits as he had been cured of fits by its use. My son, Deloss, purchased a dollar package and from the beginning of the first bottle the fits ceased altogether, and to the present writing, covering a period of two years, has never once had a recurrence of the fits and while he is no doubt permanently cured, he still continues taking Samaritan Nervine, and has consumed fifty-seven bottles. From a weakling the boy has grown into manhood strong and robust, a hearty eater, and can easily do the manual labor of a strong man.' * * * Mrs. A. R. Green," "'It is a great pleasure for me to write to you for words cannot express the gratitude we feel towards you for the good you have done our son. He had fits for three years and we tried different remedies but they did no good. A friend advised me to try your Samaritan Nervine, which we tried and from the time he took the first dose he has had no symptoms of fits; it has now been fifteen months since taking the medicine, and we feel that he is cured of the dreadful disease.' * * * Andrew Parkey," which were false and fraudulent.

On August 11, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4281. Adulteration of tomato purée. U. S. * * * v. 850 Cases * * * of Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6703. I. S. No. 16410-k. S. No. C-273.)

On July 7, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 850 cases, more or less, each containing 48 cans of tomato purée, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on April 16, 1915, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the article of food, when it was so shipped as aforesaid, consisted of a partially decomposed vegetable substance; for the further reason that it consisted of a partially decomposed animal substance; for the further reason that it consisted in part of a filthy vegetable substance; and for the further reason that it consisted in part of a filthy animal substance.

On September 9, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product consisted of a filthy and decomposed animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*

4282. Adulteration of tomatoes. U. S. * * * v. Robert Jarrell. Plea of guilty. Fine, $20. (F. & D. No. 6704. I. S. No. 719–k.)

On October 4, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert Jarrell, Goldsboro, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about September 30, 1914, from the State of Maryland into the State of Pennsylvania, of a quantity of canned tomatoes which were adulterated. The product was labeled: "Avon Brand (Design of red tomato) Packed by Robt. Jarrell P. O. Goldsboro, Caroline Co., Md. Factories: Goldsboro, Md. and Marydel, Md. Tomatoes Contents 6 lbs. 7 oz. These tomatoes are free from any adulteration or coloring matter Avon Brand Tomatoes R J Choice Quality Packed by Robt. Jarrell P. O. Goldsboro, Caroline Co. Md."

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Total solids (vacuum at 70° C.) (per cent)	3.89
Specific gravity of filtered juice at 20° C./ 20° C.	1.017
Immersion refractometer at 20° C.	29.5
Total acids, as citric (per cent)	0.38
Total sugars, as invert (per cent)	2.08
Total ash (per cent)	0.44
Chlorids in ash, as NaCl (per cent)	0.05
Salt-free ash (per cent)	0.39

The analysis shows the addition of at least 10 per cent of water.

Adulteration of the article was alleged in the information for the reason that water had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that water had been substituted in part for tomatoes, which the said article purported to be.

On October 4, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4283. Adulteration of pork and beans. U. S. * * * v. 85 Cases * * * of * * * Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6706. I. S. No. 16241-k. S. No. C-270.)

On July 8, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 85 cases, each containing 24 cans of pork and beans, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been shipped and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The cans were labeled, in part: "Banquet Brand Pork and Beans Contents 1 Lb. 12 Oz. Our Banquet Brand of Products Are Packed From Selected Stock And Intended for Fancy Trade." Some of the cases were stenciled: "Banquet Brand Pork & Beans." Some of the other cases bore the can label above set forth.

Adulteration was alleged in the libel for the reason that the article of food contained, and in part consisted of, a decomposed vegetable substance.

On September 13, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4284. Adulteration of canned pork and beans. U. S. * * * v. 31 Cases * * * of * * * Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6707. I. S. No. 16243–k. S. No. C–271.)

On July 8, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 31 cases, each containing 24 cans of pork and beans, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been shipped and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The cans were labeled: "Rider's Class A Brand Beans with Pork and Tomato Sauce. * * * All Our Goods Are High Class Quality * * * Rider's Class A Brand Beans With Pork And Tomato Sauce Packed By The Rider Packing Co. Inc. Crothersville, Ind." The labels on some of the cans bore the statement: "Contents 1 Pound 14 Ounces." The labels on other cans bore the statement: "Contents 2 Pounds 0 Ounces." Some of the cases were stenciled: "Rider's 'Class A' Especially Selected Quality Beans With Pork & Tomato Sauce. Packed By The Rider Packing Co. Crothersville, Ind."

Adulteration of the article was alleged in the libel for the reason that it contained, and in part consisted of, a decomposed vegetable substance.

On September 13, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4285. Adulteration of butter. U. S. * * * v. 25 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6710. I. S. No. 3815-k. S. No. E-351.)

On July 8, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 tubs of butter, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about July 2, 1915, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the Food and Drugs Act. Each of the tubs bore a tag reading, in part: "B. F. McDowell, New York, N. Y."

Adulteration was alleged in the libel for the reason that said article of food consisted in particular [part] of what is known as butter scrapings, and an examination of the same showed that it was moldy all through and wholly unfit for food purposes, contrary to the provisions of section 7, subdivision 6 under "Food," of the Food and Drugs Act.

On July 28, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4286. Adulteration and misbranding of vinegar. U. S. * * * v. 36 Barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6712. I. S. No. 14497–k. S. No. C–268.)

On July 9, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 36 barrels of vinegar, remaining unsold in the original unbroken packages at Dayton, Ohio, alleging that the product had been shipped and transported from the State of Pennsylvania into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled, in part, "Pure Cider Vinegar—Reduced to 4 percent—Guaranteed."

Adulteration of the article was alleged in the libel for the reason that certain substances, to wit, a material high in reducing sugars, and dilute acetic acid or distilled vinegar and phosphates, all prepared in imitation of cider vinegar, had been mixed and packed [as and] with said article of food, so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that said substances had been substituted for what the article by its said label purported to be, to wit, pure cider vinegar.

Misbranding was alleged for the reason that the labels, marks, and brands aforesaid, upon said barrels and packages of the articles of food, bore certain statements, to wit, "Pure Cider Vinegar," regarding the article and the ingredients and substances contained therein, which said statements were false and misleading in that said article of food was not a pure cider vinegar nor a cider vinegar, but, in truth and in fact, said article was a composition of dilute acetic acid or distilled vinegar, a material high in reducing sugars and phosphates, prepared in imitation of genuine cider vinegar, and was not cider vinegar. Misbranding was alleged for the further reason that said article of food was an imitation of, and offered for sale under the distinctive name of, another article of food, to wit, pure cider vinegar. Misbranding was alleged for the further reason that the article of food was labeled and branded as aforesaid, so as to deceive and mislead the purchaser thereof into the belief that the same was pure cider vinegar, whereas, in truth and in fact, it was not pure cider vinegar, but was composed of the substances aforesaid.

On July 20, 1915, the Price & Lucas Cider and Vinegar Co., Allegheny, Pa., claimant, having admitted the facts in the libel, and consented to a decree, judgment of condemnation and forfeiture was entered, and it appearing to the court that the labels and brands upon the barrels might be altered so that the vinegar might be sold lawfully, it was ordered by the court that the same should be relabeled under the supervision of a United States food and drug inspector, and that the article should be released and restored to said claimant upon payment of all the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4287. Adulteration of butter. U. S. * * * v. 3 Kegs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6757. I. S. No. 3818-k. S. No. E-362.)

On July 21, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 kegs, each containing about 125 pounds of butter, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about July 1, 1915, and transported from the State of Tennessee into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that said article of food consisted in part of a moldy animal product, to wit, butter, and contained maggots, contrary to the provisions of section 7, subdivision 6, under "Food," of the Food and Drugs Act.

On August 11, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4288. Adulteration of shell eggs. U. S. * * * v. 32 Cases * * * of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6758. I. S. No. 16421–k. S. No. C–278.)

On July 21, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 32 cases, each containing 30 dozen of shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on July 14, 1915, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the article, when it was so shipped as aforesaid, consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a decomposed animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On September 11, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4289. Adulteration of tomato catsup. U. S. * * * v. 25 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6759. I. S. No. 17549-k. S. No. W-52.)

On July 6, 1915, the United States attorney for the Northern District of California filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of tomato catsup, remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the product was being transported from the State of California into the Territory of Hawaii for sale, having been delivered at San Francisco on or about July 3, 1915, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 20, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4290. Adulteration of tomato pulp. U. S. * * * v. 40 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6760. I. S. No. 3685–k. S. No. E–366.)

On July 24, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 cases of tomato pulp, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been shipped and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Hartlove Brand Tomato Pulp Made From Pieces Of Tomato And Trimmings Contents Weigh 10 oz. Hartlove (Monogram) H. P. Co. Packed by Hartlove Packing Co. Baltimore, Md."

The allegations in the libel were to the effect that the said product consisted in part of filthy, decomposed, and putrid vegetable matter.

On September 27, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4291. Adulteration of butter. U. S. * * * v. 340 Pounds * * * of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6770. I. S. No. 11502–l. S. No. C–287.)

On August 5, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 340 pounds of butter, remaining unsold in the original unbroken package, alleging that the product had been shipped on July 31, 1915, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a filthy animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On September 11, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4292. Adulteration of oil of birch. U. S. * * * v. 2 Cans of Oil of Birch. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6771. I. S. Nos. 3820–k, 3821–k. S. No. E–369.)

On July 28, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cans, each containing a certain article of food purporting to be oil of birch, remaining unsold in the original unbroken packages at New York N. Y., alleging that the product had been shipped and transported from the State of North Carolina into the State of New York, one of the cans having been received on or about June 21, 1915, and the other on or about July 9, 1915, and charging adulteration in violation of the Food and Drugs Act. One of the cans was labeled, in part: "From H R Lathrop and Co., Inc., Medicinal roots, herbs, barks, ginseng, golden seal, beeswax, etc. Asheville, N. C. Value $100.00 on 1 can." The other was labeled, in part: "From H R Lathrop and Co., Inc. Medicinal roots, herbs, barks, ginseng, golden seal, beeswax, etc. Asheville, N. C. Value $45.00 on 1 can." "Birch."

Adulteration of the article was alleged in the libel for the reason that there had been mixed and packed with it so as to reduce, and lower, and injuriously affect its quality and strength, certain methyl salicylate and certain foreign oil. Adulteration was alleged for the further reason that there had been substituted wholly or in part in said article of food certain other substances, to wit, methyl salicylate and foreign oil.

On September 21, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4293. Adulteration of tomato paste. U. S. * * * v. 47 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6772. I. S. No. 3490-k. S. No. E-370.)

On July 29, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 47 cases of tomato paste, remaining unsold in the original unbroken packages at Fall River, Mass., alleging that the product had been shipped and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that the same consisted in part of a filthy, putrid, and decomposed vegetable substance.

On September 13, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4294. Adulteration and misbranding of tomato pulp. U. S. * * * v. 25 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6779. I. S. No. 3687–k. S. No. E–374.)

On July 31, 1915, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing two dozen cans of tomato pulp, remaining unsold in the original unbroken packages at Passaic, N. J., alleging that the product had been shipped on or about July 22, 1915, and transported from the State of Maryland into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Asquith Brand Tomato Pulp Made from small tomatoes and fresh tomato trimmings and put up under the most sanitary conditions."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable and animal substance.

Misbranding was alleged for the reason that the tomato pulp was in package form and the quantity of the contents of each package was not plainly and conspicuously marked on the outside of said package in terms of weight, measure, and [or] numerical count, or in any other manner.

On September 23, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product consisted of a decomposed animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*

4295. Adulteration of tomato pulp. U. S. * * * v. 1,000 Cans of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6780. I. S. No. 5376-k. S. No. E-373.)

On July 30, 1915, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 five-gallon cans of tomato pulp, remaining unsold in the original unbroken packages at Farmingdale, N. J., alleging that the product had been shipped on or about July 18, 1915, and transported from the State of Indiana into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable and animal substance.

On September 23, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product consisted of a decomposed animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*

4296. Adulteration of water. U. S. * * * v. 9 Cases * * * "Witter Springs Water." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6783. I. S. No. 4836–k. S. No. E–376.)

On August 3, 1915, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 cases, more or less, each containing about 3 dozen bottles of "Witter Springs Water," remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on or about February 20, 1915, and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The shipping containers were labeled, in part: "3 Dozen Bottles Natural Witter Springs Water Serial No. 10206. Witter Medicinal Springs, Main Office, San Francisco, California."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance.

On August 23, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4297. Misbranding of "Weller's Stone Root and Gin." U. S. * * * v. 6 Cases * * * of * * * "Weller's Stone Root and Gin." Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6801. I. S. No. 16253-k. S. No. C-283.)

On August 6, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases, three of which contained one dozen quart bottles and three of which contained four dozen one-half pint bottles of "Weller's Stone Root and Gin," remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been shipped and transported from the State of Kentucky into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The product was labeled: "W. L. Weller & Sons, Distillers, Louisville, Ky." (On 1-quart bottles): "Weller's Stone Root and Gin (Trade Mark) Alcoholic Strength 37 5/10% Distilled from Selected Juniper Berries An Excellent Preparation for Kidney, Bladder and All Urinary Troubles, Also an Efficient Relief for Nervous Debility and Dyspepsia. As A Tonic It Has No Equal.——Weller's——W. L. Weller and Sons, Incorporated. Sole Proprietors. Established 1849 Louisville, Ky. Contents one quart." (On reverse side of bottles): "Sold in Glass Only Stone Root and Gin Contains Pure Gin, Extract of Stone Root, Oil of Sassafras, Syrup, Alcoholic Strength 37.5 W. L. Weller & Sons Incorporated Sole Proprietors Established 1849 Never Sold in Bulk" (On cap): "W. L. Weller & Sons Distillers Louisville, Ky." (Label on cartons enclosing bottles): Same as on bottles except that contents are not stated. (Label on shipping packages containing quarts) (On top): "Glass This Side Up With Care" (Stencil): "W. M. Young, Cincinnati, Ohio." (On all sides): "1 Doz Quarts Stone Root and Gin W. L. Weller & Sons Established 1849 Incorporated Sole Proprietors, Louisville, Ky." (Label on shipping packages containing ½ pints) (On top): "Glass This Side Up With Care." (Stencil): "W. M. Young, Cincinnati, Ohio." (On ends): "4 doz. ½ Pints Stone Root and Gin." (On sides): "W. L. Weller & Sons Established 1849 Incorporated Sole Proprietors Louisville, Ky." (Label on ½-pint bottles): Same as on quart bottles, as above quoted, except that the contents are stated: "Contents ½ Pint."

Misbranding of the article was alleged in the libel for the reason that the labels, marks, and brands aforesaid, on said packages, bore a certain statement, to wit, the name "Stone Root and Gin," regarding said drug and the ingredients and substances contained therein, which said statement was false and misleading, in that it represented said drug to contain and to be composed of stone root and gin, whereas, in truth and in fact, said drug contained no appreciable amount of stone root. Misbranding was alleged for the further reason that the labels, marks, and brands aforesaid, upon the packages of said drug product, to wit, the stickers upon the backs of the bottles thereof, bore certain statements, to wit, "Extract of Stone Root, Oil of Sassafras, Syrup," regarding said drug and the ingredients and substances contained therein, which said statements were false and misleading in that they represented said drug to contain, and in part to consist of, the extract of stone root, oil of sassafras, and sirup, whereas, in truth and in fact, said drug product contained no appreciable amount of said substances. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of said drug product, appearing on the labels aforesaid, to wit: "An Excellent Preparation For Kidney, Bladder and All Urinary Troubles, Also an Efficient Relief for Nervous Debility and Dyspepsia. As A Tonic It Has No Equal," were false and fraudulent in that said statements were applied to said drug knowingly and in reckless and wanton

disregard of their truth and [or] falsity, so as to represent falsely and fraudulently to the purchasers thereof, and to create in the minds of purchasers thereof the impression and belief, that said drug was in whole or in part composed of or that it contained ingredients or medicinal agents effective as a remedial preparation for kidney troubles, and as a remedial preparation for bladder troubles, and as a remedial preparation for all urinary troubles, and as an efficient relief and remedy for nervous debility, and as an efficient relief and remedy for dyspepsia, and as an unequaled tonic, when, in truth and in fact, said drug was not composed of and did not contain ingredients or medicinal agents effective as a remedial preparation for kidney troubles, nor as a remedial preparation for bladder troubles, nor as a remedial preparation for all urinary troubles, nor as an efficient relief and remedy for nervous debility, nor as an efficient relief and remedy for dyspepsia, nor as an unequaled tonic.

On August 17, 1915, W. L. Weller & Sons, a corporation, Louisville, Ky., claimants, having filed its answer admitting the facts set forth in the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the packages and bottles containing the drug should be relabeled under the supervision of the United States food and drug inspector, and that the same should be released and restored to the said claimant company upon payment of all of the costs of the proceedings and the execution of bond in the sum of $100, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4298. Adulteration of tomato paste. U. S. * * * v. 50 Cases * * * of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6804. I. S. No. 15481-k. S. No. C-291.)

On August 9, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, more or less, each containing 60 cans of tomato paste, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on June 6, 1915, and transported from the State of New Jersey into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that when it was so shipped as aforesaid it consisted in part of a decomposed vegetable substance; for the further reason that it consisted in part of a filthy vegetable substance; and for the further reason that it consisted in part of a putrid vegetable substance.

On September 11, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4299. Adulteration of shell eggs. U. S. * * * v. 26 Cases Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6805. S. No. E–380.)

On August 9, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 26 cases of shell eggs, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about July 31, 1915, and transported from the State of Connecticut into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that said product was adulterated in violation of section 7, paragraph sixth, under the title "Food" of said act, in that said product, when candled, disclosed that not less than 80 per cent thereof consisted of rots and spots.

On August 26, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4309. Adulteration of tomato paste. U. S. * * * v. 25 Cases * * * of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6807. I. S. No. 15480-k. S. No. C-290.)

On August 9, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, more or less, each containing 100 cans of tomato paste, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on June 23, 1915, and transported from the State of New Jersey into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that when it was so shipped as aforesaid, it consisted in part of a decomposed vegetable substance; for the further reason that it consisted in part of a filthy vegetable substance; and for the further reason that it consisted in part of a putrid vegetable substance.

On September 11, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

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U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 4301–4350.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., July 25, 1916.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

4301. Misbranding of Russia salve. U. S. * * * v. 20 Gross * * * of * * * "Russia Salve." Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6817. I. S. No. 14355-k. S. No. C-293.)

On August 16, 1915, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 gross, more or less, of a product labeled "Russia Salve," remaining unsold in the original unbroken packages, and in possession of the Williams Manufacturing Co., Cleveland, Ohio, alleging that the product had been shipped on or about September 9, 1914, and transported from the State of Massachusetts into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The shipping cases were labeled: "Redding's Russia Salve, from Redding & Co. Boston." The cartons containing the retail packages were labeled: "Redding's One Doz. Russia Salve, For the Complete Cure Of Burns, Scalds, Flesh Wounds, Old Sores, Piles, Chapped Hands, Chilblains, Frost-bitten parts of the Body, Corns, Felons, and Sores of every kind. Proprietors: Redding & Co., Boston, Mass." The retail packages were labeled: "Russia Salve Redding & Co. Boston, Price, 25 Cents. Trade Mark Registered Sept. 3d, 1878 The Russia Salve is a purely vegetable compound, And is a Russian preparation of great efficacy, and of rare and peculiar combination; it is perfectly free from any mercurial matter or any injurious particles whatever. The secret of its preparation was brought to this country by a Russian soldier, in 1822, and in Boston and its vicinity it has been used for the past thirty years. The following are among the diseases for which the Russia Salve is applicable, and in which it has sovereign power Burns, Cancers, Sore Eyes, Itch, Felons, Scald Head, Nettle Rash, Cuts, Corns, Scalds, Salt Rheum, Sores, Flea Bites,

Chilblains, Frozen Limbs, Wens, Boils, Flesh Wounds, Piles, Bruises, Chapped Hands, Sprains, Swelled Nose, Erysipelas, Lame Wrist, Whitlows, Ulcers, Warts, Sore Nipples, Sties, Festers, Ringworm, Scurvy, Bunions, Sore Lips, Ingrowing Nails, Spider Stings, Shingles, Eruptions, Mosquito Bites. Large Boxes, 50 c. and $1 each. A great saving is made by taking the larger size. Redding & Co., Boston, Mass. Price, 25 cents per box. For head colds it has no equal. Apply into each Nostril. Sold by druggists throughout the World. Guaranteed by Redding & Co. under the Food Acts June 30, 1906. Serial No. 1083 New label. None genuine without the signature of Redding & Co." The circular placed in the carton with the retail packages contained, among other things, the following: "This wonderful remedial agent * * * remedy * * * it invariably cured—no matter how severe the wound, or how horrible the burn. * * * Its wonderful cures." "The power of the Russia Salve is astonishingly great * * * it at once subdues the inflammation and pain. It will * * * reduce swellings * * * purify and restore to perfect soundness old and inveterate sores * * * wonderful ointment * * * Swelled Breasts, * * * Felons, * * * Salt Rheum, * * * Invaluable Dressing, * * * Shingles, * * * Piles. Inflammation of the Eyes yields to its power immediately; all * * * Fresh Cut Wounds are cured with great rapidity; * * * Scrofulous Sores are soon changed into a healing condition, and, frequently entirely cured." "Its power to reduce inflammation * * * Wherever Inflammation exists this Salve is an invaluable Remedy. No matter what part or portion of the body is laboring under inflammation, * * * this Ointment will allay it like a charm. * * * its effects are almost immediate. * * * wherever and whenever inflammation action exists, then and there apply the salve." "The following are among the diseases to which this salve is applicable, and in which it has great power: * * * Felons and Sores, of every kind, * * * For Old Sores * * * For Piles, * * * until a cure is perfected * * * Inflammation of the Eye." "In * * * Inflammation of every kind * * * best remedy."

Misbranding of the article was alleged in the libel for the reason that the statements and labels on said cases, cartons, circulars, and packages were false, misleading, and fraudulent; that no ingredient or ingredients in the said product or compound were capable of producing the therapeutic effects claimed for it in said circulars, branding, and labeling. Misbranding was alleged for the further reason that said statements pertaining to said cases, cartons, circulars, and packages were false, misleading, and fraudulent, all within the meaning of said act of Congress. It was further alleged that said shipping cases, cartons, and boxes contained therein were misbranded in that said statements above quoted, pertaining to, and printed on said cases, cartons, circulars, and packages were false and fraudulent.

On September 10, 1915, the Williams Manufacturing Co., claimant, a corporation, Cleveland, Ohio, having filed its answer and claim, admitting the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $2,000, in conformity with section 10 of the act. It was provided further that all the labels and marks whatsoever as to the present identity and contents of said article should be removed from each and every package and the cartons holding said packages, and in the event that the said Williams Manufacturing Co. should undertake the resale of said Russia salve, that the branding and printing upon said cartons and circulars should meet with the approval of the Department of Agriculture.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4302. Adulteration of canned tomatoes. U. S. * * * v. 550 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6826. I. S. No. 1906–l. S. No. E–382.)

On August 23, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 550 cases of canned tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about August 5, 1915, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that an unusually large number of cans containing said article of food were swelled, and that there was evidence of reprocessing, and that said article of food consisted in particular [part] of a partially decomposed vegetable product, [and] was sour and unfit for food; contrary to the provisions of section 7, subdivision 6, under "Food," of the said Food and Drugs Act.

On September 20, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4303. Adulteration of canned tomatoes. U. S. * * * v. 100 Cases * * * of * * * Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6845. I. S. No. 1907–l. S. No. E–385.)

On September 1, 1915, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing two dozen cans, of tomatoes, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the product had been shipped on or about August 13, 1915, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled, in part: "2 doz. No. 2 Ruxton Brand Tomatoes net weight on label. Packed by Mantik Packing Co. Baltimore, Md."

Adulteration was alleged in the libel for the reason that the said food and food product contained approximately 15 per cent added water.

On September 21, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4304. Adulteration of beans. U. S. * * * v. 500 Bags of Beans * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 6848, 6847. I. S. Nos. 11213–l, 11214–l. S. Nos. C–314, C–315.)

On September 3, 1915, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 bags, each containing 165 pounds, more or less, of beans, remaining unsold in the original unbroken packages at Elyria, Ohio, alleging that the product had been shipped on or about April 17, 1915, and transported from the State of Michigan into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The bags were labeled: "Packed by Chatterton & Son, Mt. Pleasant, Mich. and weighed 165 Lbs. Net."

It was alleged in the libel that examination in the Bureau of Chemistry of samples showed the product to consist in part of decomposed vegetable matter, the presence of which in said beans rendered the same a filthy and decomposed vegetable substance unfit for food, or as an ingredient of food, and on account of the condition of said beans it was charged that the product was adulterated in violation of paragraph 6, under "Food," of section 7 of the act of Congress approved June 30, 1906, and commonly known and designated as the Food and Drugs Act.

On September 18, 1915, C. C. McDonald, doing business as the Elyria Canning Co., Elyria, Ohio, having filed an answer and claim, admitting the allegations contained in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered and released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $2,500, in conformity with section 10 of the act. It was provided, further, that if any part of the product was to be used for food purposes, the same should be picked and sorted and prepared for such food purposes under the supervision of an inspector of the Department of Agriculture having supervision over food products, and [that the product] should satisfy the standard of said department.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4305. Adulteration of eggs. U. S. * * * v. 7 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6852. S. No. E–386.)

On September 8, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases of eggs, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about August 28, 1915, and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was liable to condemnation and confiscation as provided in said act of Congress in that the said article consisted, in whole or in part, of a filthy, decomposed, or putrid animal substance; in particular, that of the 7 cases of eggs sold as checks, at least 90 per cent thereof were spot eggs and unfit for food, contrary to the provisions of section 7, subdivision 6, under the title "Food," of said Food and Drugs Act.

On September 30, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4306. Adulteration of shell eggs. U. S. * * * v. 13 Cases of Shell Eggs. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 6853. I. S. No. 11507–l. S. No. C–310.)

On August 26, 1915, the United States attorney for the Northern District of Illinois filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 cases, each containing 30 dozen, of shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on August 12, 1915, and transported from the State of Texas into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that, when it was so shipped as aforesaid, it consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a filthy animal substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a putrid animal substance; and for the further reason that it consisted wholly of a putrid animal substance.

On September 7, 1915, Harry Teichner, claimant, having filed his answer consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4307. Adulteration of liquid eggs. U. S. * * * v. 450 Cases of Liquid Eggs * * *. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 6902. S. No. E–410.)

On October 5, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 450 cases of liquid eggs, more or less, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product was in process of transportation from the State of Maryland into the State of New Jersey for export, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the liquid eggs consisted in part of a filthy, decomposed, and putrid animal matter, to wit, rots and spots, and of eggs of a general class unquestionably unfit for food purposes; said product also containing about 2 per cent boric acid [used] in preservation of said product.

On October 6, 1915, The Eastern Tanners Egg Yolk Co., Baltimore, Md., claimant, having filed its answer admitting the material allegations in the libel and submitting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4308. Adulteration of shell eggs. U. S. * * * v. 155 Cases of Shell Eggs * * *. Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 6903. S. No. E–411.)

On October 5, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 155 cases of shell eggs, more or less, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been shipped and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the shell eggs consisted in part of filthy, decomposed, and putrid animal matter, to wit, rots and spots, and of eggs of a general class unquestionably unfit for food purposes.

On October 6, 1915, The Eastern Tanners Egg Yolk Co., Baltimore, Md., having filed its answer admitting the material allegations in the libel and submitting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4309. Adulteration of shell eggs. U. S. v. 56 Cases of Shell Eggs * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6908. S. No. E–409.)

On October 7, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 56 cases of shell eggs, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been shipped and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The goods were labeled: "Spots and Rots not candled."

Adulteration of the article was alleged in the libel for the reason that said shell eggs consisted in part of filthy, decomposed, and putrid animal matter, to wit, rots and spots, and of eggs of a general class unquestionably unfit for food purposes.

On October 8, 1915, no claimant having appeared for the property, judgment of condemnation, and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4310. (Supplement to Notice of Judgment 3869.) Misbranding of Buffalo lithia water. U. S. v. 7 Cases, more or less, of Buffalo Lithia Water. Decision of the Court of Appeals of the District of Columbia, affirming the decree of condemnation by the Supreme Court of the District of Columbia. Case pending on writ of error in the Supreme Court of the United States. (F. & D. Nos. 2178, 2179. I. S. Nos. 10252–c, 10253–c, 10257–c. S. No. 795.)

On January 12, 1915, the intervenors in a case involving the seizure in the District of Columbia, under section 10 of the Food and Drugs Act, of 7 cases, more or less, of Buffalo Lithia Water, in which a decree of condemnation and forfeiture was entered in the Supreme Court of the District of Columbia, on November 23, 1914, filed their assignment of errors in furtherance of a writ of error theretofore filed in said Supreme Court, and on February 23, 1915, the transcript of the record was received and filed in the Court of Appeals of the District of Columbia.

On November 1, 1915, the case having come on for hearing before the said Court of Appeals (Shepard, Robb, and Van Orsdel, Justices), after argument by counsel the same was submitted to the court for decision. On November 29, 1915, the decree of condemnation and forfeiture entered in the Supreme Court of the District of Columbia was affirmed with costs, as will more fully appear from the following decision by the said Court of Appeals (Robb, *J.*):

This is an appeal from a final decree in the Supreme Court of the District condemning seven cases, more or less, of "Buffalo Lithia Water," for misbranding in violation of the provisions of the Pure Food Act of June 30, 1906 (34 Stat. 768).

In the libel as amended it is alleged that each bottle in the seized cases is "branded and labeled with a certain label containing, among other things, the following, to wit: 'Buffalo Lithia Water—Springs No. 2,' 'Buffalo Lithia Springs Water—Nature's Materia Medica,' 'Buffalo Lithia Springs Water Company, Buffalo Lithia Springs, Va','" and that each bottle is misbranded "for the reason that each and every bottle in said cases purports to contain a food and drug, that is to say, a liquid known as lithia water, the said cases and bottles bearing labels as aforesaid, which said labels bear certain statements regarding said food and drug which are false and misleading, in this, that the said statement imports that the liquid contained in said bottles is a lithia water, whereas, in truth and in fact, the food and drug contained in said bottles is not a lithia water, or entitled by reason of its ingredients to be so called; and said cases and the bottles therein contained are further misbranded in that the same are offered for sale, as more fully hereinafter set forth, under the distinctive name of another article, to wit, under the name of lithia water, when, in truth and in fact, the contents of said bottles is not a lithia water or entitled to be so called; and further in that the said bottles and each thereof are labeled and branded so as to deceive and mislead the purchaser thereof," etc. After the overruling of a demurrer to the libel as amended, an answer was interposed. A jury trial was waived, voluminous testimony taken, and the court upon the pleadings and testimony found the seized property to be misbranded in violation of the Pure Food Act and ordered its condemnation and forfeiture. To this ruling and order no exception was taken, but appellants did note an appeal therefrom in general terms and subsequently filed assignments of error in which it is alleged that the court erred in entering judgment against the property seized and in admitting and considering evidence objected to by them. It now is urged, on behalf of the appellant, that the case is here for trial *de novo*, both as to law and fact.

In 443 Cans of Egg Product *v.* United States (226 U. S. 172), the court ruled that it was not intended to liken proceedings under the pure food act "to those in admiralty beyond the seizure of the property by process *in rem*, then giving the case the character of a law action, with trial by jury, if demanded, and with the review already obtaining in actions at law." The court observed that if "the action is tried in the district court without a jury, the circuit court of appeals is limited to a consideration of such questions of law as may have been presented by the record proper, independently of the special finding," and cited Campbell *v.* United States (224 U. S. 99), as

authority for the proposition. The court further said: "But the party on jury trial may reserve his exceptions, take a bill of exceptions, and have a review upon writ of error in the manner we have pointed out." Inasmuch as provision has been made in the District of Columbia for a trial of issues of fact in civil cases by the court without a jury, the ruling in the Campbell case does not apply. In this jurisdiction the finding of the court upon the facts, which may be either general or special, has the same effect as the verdict of a jury. An exception may be taken to any ruling of the court during the hearing and to such finding on the ground that the evidence was insufficient in law to justify it, and may be stated in a bill of exceptions as in case of a jury trial. (See Code, secs. 70–71.)

From the foregoing it is apparent that our review of this case must be confined to questions of law presented by the record proper and to such other questions as may have been reserved by exceptions duly noted during the progress of the trial. The only exceptions taken, which are followed up in appellants' brief, relate to the admission of evidence introduced by the Government tending to prove the inappreciable quantity of lithium in Buffalo Lithia Water, and that the trace of lithium found would not of itself give any therapeutic effect. The libel as amended alleges that the water in question is misbranded because, as branded, it is represented as lithia water, when it is not such a water or entitled by reason of its ingredients to be so called, and that by reason of this misbranding the purchaser of the water is deceived. Clearly, under these averments, it was competent for the court to receive evidence concerning the real character of this water. Evidence that an analysis of about half a gallon of the seized water failed to disclose any lithium except by the use of the spectroscope, and then only a trace, and evidence that water from the Atlantic and Pacific Oceans, from the Mississippi and Potomac Rivers, contained five times as much lithium as the same quantity of "Buffalo Lithia Water," certainly shed some light upon the question whether such so-called lithia water was in fact what the label under which it was sold represented it to be.

Appellants insist that the libel fails to allege any facts constituting misbranding and hence that it is fatally defective. It alleges that the seized water is labeled as "Buffalo Lithia Water;" that the label is false and misleading "in this, that the said statement imports that the liquid contained in said bottles is a lithia water, whereas, in truth and in fact, the food and drug contained in said bottles is not a lithia water, or entitled by reason of its ingredients to be so called." In other words, the libel alleges that the seized property is branded, labeled, and sold as lithia water, when, in fact, it is not, and that by reason of such branding the public is deceived and misled. If appellants mean that the libel should have characterized this water, we do not agree with them. Whether it should be called a mineral water or a spring water is not important. The important question is whether it is what the label represented it to be—a lithia water. The libel in unambiguous terms alleges that it is not, and we think the averments sufficiently explicit.

The decree must be affirmed, with costs.

Affirmed.

On December 15, 1915, the intervenors filed their petition for a writ of error and to stay the mandate of said Court of Appeals, and on December 18, 1915, the petition for writ of error and to stay mandate was granted and the writ of error issued. The case is now pending on said writ of error in the Supreme Court of the United States.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4311. (Supplement to Notices of Judgment 3275 and 4034.) Misbranding and alleged adulteration of macaroons. U. S. v. F. B. Washburn & Co. Fine, $50, on conviction in the lower court upon the charge of misbranding. Charge of adulteration nolle prossed. (F. & D. No. 2247. I. S. No. 1928–c.)

On November 1, 1915, the mandate of the United States Circuit Court of Appeals for the First Circuit, directing the execution of the judgment of conviction in the lower court in a case involving the shipment in interstate commerce of misbranded macaroons, in which F. B. Washburn & Co., Boston, Mass., was defendant, was filed in the District Court of the United States for the District of Massachusetts. The mandate also directed the reversal of the judgment of conviction by the lower court upon the charge of adulteration of said macaroons.

On November 8, 1915, the said United States District Court imposed a fine of $50 on the defendant corporation upon the charge of misbranding, and, on November 17, 1915, the count of the information alleging adulteration of the macaroons was nolle prossed.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4312. Adulteration of confectionery. U. S. v. Hess Bros., a corporation. Plea of guilty. Fine, $5. (F. & D. No. 2800. I. S. No. 18408–c.)

On February 9, 1912, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hess Bros,, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on March 2, 1911, from the State of New York into the District of Columbia, of a quantity of confectionery which was adulterated. The article was labeled: "Penny Eggs (Assorted) 100. Guaranteed by Hess Bros. Inc., under the Food and Drugs Act, June 30, 1906. Serial No. 1709."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that said article contained talc.

Adulteration of the article was alleged in the information for the reason that it contained talc.

On January 4, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $5.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4313. Adulteration of candy. U. S. v. Novelty Candy Co., a corporation. Plea of guilty. Fine, $10 and costs. (F. & D. No. 2884. I. S. No. 2190–c.)

On January 26, 1912, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Novelty Candy Co., a corporation, doing business at Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on April 7, 1911, from the State of Illinois into the State of Minnesota, of a quantity of a confection, known as "Jelly Beans," which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that said product contained talc, clay, and calcium carbonate.

Adulteration was alleged in the information for the reason that the article of food, to wit, jelly beans, contained talc; and for the further reason that it contained a substance which was used as a coating for the jelly beans, and which said substance contained mineral substances known as talc, clay, and calcium carbonate.

On December 9, 1915, the defendant company withdrew its plea of not guilty theretofore entered and entered a plea of guilty to the information, and on December 10, 1915, the court imposed a fine of $10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4314. Adulteration of candy. U. S. v. Hardie Bros. & Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 2920. I. S. No. 5436–c.)

On March 21, 1912, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hardie Bros. & Co., a corporation, Pittsburgh, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on February 14, 1911, from the State of Pennsylvania into the State of Illinois, of a quantity of candy known and designated as "Cream Bird Eggs" which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that said product contained talc.

Adulteration of the article was alleged in the information for the reason that it contained talc, a mineral substance.

On November 6, 1915, the defendant company withdrew its plea of not guilty theretofore entered and entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4315 Misbranding of macaroni. U. S. * * * v. 40 Boxes of Macaroni * * *. Default decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 3120. S. No. 1137.)

On October 31, 1911, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 boxes or packages of macaroni, remaining unsold in the original, unbroken packages at Lester, W. Va., alleging that the product had been shipped and transported from the State of Delaware into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Super Extra Quality of Neapolitan Macaroni—Guaranteed by the manufacturer under the Pure Food and Drugs Act of June 30, 1906—Gragnano Style—Pulcinella Brand—Made as used in Italy—Registered Trade Mark." The packages were also marked with a coat of arms of foreign type, together with medals of award of Italian design.

Misbranding of the article was alleged in the libel for the reason that none of the boxes or packages contained macaroni made in Italy, as the label or markings on said boxes or packages indicated, but contained macaroni made by the Union Macaroni Co., Wilmington, State of Delaware, United States of America, and the said branding and markings on said boxes or packages were misleading and false, so as to deceive and mislead the purchaser, and were a misbranding within the meaning of the act.

On September 24, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4316. Adulteration of confectionery. U. S. v. Greenfield's Sons, a corporation. Plea of guilty. Fine, $5. (F. & D. No. 3153. I. S. No. 11774-c.)

On June 26, 1912, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against E. Greenfield's Sons, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on March 8, 1911, from the State of New York into the State of Massachusetts, of a quantity of confectionery which was adulterated. The article was labeled, in part: "Cupid Brand Candies 100 pieces Decorated Assorted Eggs Cupid Brand Trade Mark Guaranteed by E. Greenfield's Sons, * * * Serial No. 1565. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that said article contained talc.

Adulteration of the article was alleged in the information for the reason that it contained talc.

On January 6, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $5.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4317. Alleged misbranding of oriental cream. U. S. * * * v. 6 Dozen Bottles of Oriental Cream. Tried to the court. Judgment for claimant. (F. & D. No. 3199. I. S. No. 1960–d. S. No. 1172.)

On November 23, 1911, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on November 16, 1911, an amendment to the libel, praying the seizure and condemnation of 6 dozen bottles of a certain drug product purporting to be an oriental cream, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the product had been shipped on October 5, 1911, and transported from the State of New York into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act. Each bottle was labeled: "Oriental Cream or Magical Beautifier, an Elegant and Delicate Preparation for the skin and complexion, for tan, pimples, freckles, morphew and blemishes of the Cuticle. Prepared by Ferd T. Hopkins, Successor to T. Felix Gouraud, 37 Great Jones Street, New York. Price $1.50 per bottle. Guaranteed by Ferd T. Hopkins, under the Food & Drugs Act, June 30, 1906. Serial No. 1583. Directions; Shake the bottle well; apply with a piece of velvet sponge and rub quickly with a soft surface. The thinner put on the more delicate the complexion. None genuine without the signature of T. Felix Gouraud." (On sticker around the neck of the bottle) "Use Gourauds Oriental Velvet Sponge to apply Oriental Cream." (On paster on bottom of bottle) "Gourauds Oriental Velvet Sponge should always be used when applying Oriental Cream to obtain the best results. It is specially selected for applying this article and will give better satisfaction than by using an ordinary sponge, Price 50c at Druggists and Fancy Goods Dealers, or will be mailed direct on receipt of price. F. T. Hopkins, Prop." (Following words blown in glass of bottle) "Oriental Cream Gourauds New York."

Misbranding of the article was alleged in the libel for the reason that the bottles containing said drug product bore certain statements regarding it and the ingredients and substances contained therein which were false and misleading; that among said false and misleading statements was the following, to wit, that the term "Oriental Cream" led one to believe, and was calculated to convey the impression, that it was a drug similar to, and composed of ingredients characteristic of, cold cream, whereas, in truth and in fact, said so-called Oriental Cream was a solution in water of mercurous chlorid, commonly known as calomel. Misbranding was alleged in the amendment to the libel for the reason that the words "Oriental Cream," appearing on said label as aforesaid, were calculated to convey the impression and deceive the public into the belief, and cause and lead the buyers and consumers thereof to believe, that said drug product was a cream of oriental origin, made, manufactured, and prepared in the Orient, whereas, in fact and in truth, said cream constituting and composing said drug product as aforesaid was not of oriental origin, or made, manufactured, or prepared in the Orient, but was made, manufactured, and prepared in the United States of America.

On January 15, 1912, and on April 19, 1912, the Milwaukee Drug Co., claimant, Milwaukee, Wis., filed its answer and new answer, respectively. On July 30, 1915, the case having come on for hearing and having been submitted to the court as an issue of law upon the pleadings, after argument by counsel, judgment in favor of the claimant company was rendered by the court, and it was ordered that the libel in the case be dismissed.

The court (Geiger, *J.*) found, in effect, that the word "Cream," in the phrase "Oriental Cream," was used in an adjective or descriptive sense. He

compared it to the expression "Cream of Wheat" and said that the word "Cream," in the sense in which it was employed, was the equivalent of quintessence; that is to say, that it represented the highest and best and purest concentration of the product or the drug in connection with which it was employed; and because the statement "Prepared by Ferd. T. Hopkins, Successor to T. Felix Gouraud, 37 Great Jones Street, New York," also appeared upon the label directly under the expression "Oriental Cream," the court determined that there could be no deception as to the place of origin and that the purchaser could not be deceived or misled into believing that the contents constituting and comprising said drug product was of oriental origin.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4318. Adulteration of confectionery. U. S. v. James A. McClurg & Sons, a corporation. Plea of guilty. Fine, $5. (F. & D. No. 3242. I. S. No. 18340–c.)

On July 23, 1912, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James A. McClurg & Sons, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on January 21, 1911, from the State of New York into the District of Columbia, of a quantity of confectionery which was adulterated. The product was labeled: "144 Plymouth Rock Eggs Hard to Beat Specialties in Confections."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it was coated with a mineral substance which was shown by chemical analysis to be talc.

Adulteration was alleged in the information for the reason that the article contained talc.

On December 22, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $5.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4319. Misbranding of "Bowden Lithia Water." U. S. * * * v. Bowden Lithia Springs Water Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 3314. I. S. No. 17729-c.)

On March 2, 1912, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Bowden Lithia Springs Water Co., a corporation, Atlanta, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, on May 8, 1911, from the State of Georgia into the State of Tennessee, of a quantity of a certain drug called "Bowden Lithia Water," which was misbranded. The article was labeled: (On small label) "Drink with meals and avoid indigestion." (On main label) "Bowden Lithia Water Analysis * * * 2½ per cent of contents lithia * * * Bowden Lithia Water is especially indicated and prescribed in Brights' disease, calculi, gravel, stone in bladder or kidney, catarrh of bladder either acute or chronic, diabetes, gout, rheumatism, dispepsia, indigestion, acute or chronic, diarrhœa or dysentery, and of the very highest value in every form of skin and blood diseases. * * * Bottled only at the Springs by the Bowden Lithia Springs Water Co., Lithia Springs Ga. U. S. A."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, expressed as milligrams per liter:

Ions:	
Silica (SiO_2)	54.6
Sulphuric acid (SO_4)	223.5
Bicarbonic acid (HCO_3)	97.2
Nitric acid (NO_3)	0.1
Chlorin (Cl)	1,221.5
Iron (Fe) / Aluminum (Al)	0.8
Calcium (Ca)	133.7
Magnesium (Mg)	10.2
Potassium (K)	21.1
Sodium (Na)	749.2
Lithium (Li)	0.5
Oxygen (O) calculated	0.3
Total	2,512.7
Hypothetical combinations:	
Lithium chlorid (LiCl)	3.0
Potassium chlorid (KCl)	40.2
Sodium nitrate ($NaNO_3$)	0.1
Sodium chlorid (NaCl)	1,904.3
Magnesium chlorid ($MgCl_2$)	39.9
Calcium chlorid ($CaCl_2$)	23.6
Calcium sulphate ($CaSO_4$)	316.8
Calcium bicarbonate ($Ca(HCO_3)_2$)	129.1
Ferric oxid (Fe_2O_3) / Alumina (Al_2O_3)	1.1
Silica (SiO_2)	54.6
Total	2,512.7

The allegations in the information were to the effect that the article was misbranded for the reason that the labels on the bottles and packages containing said drug bore a statement and statements regarding it, and the ingredients

and the substances contained therein, to wit, "2½ per cent of contents lithia," which said statement was false and misleading in that said drug did not contain 2½ per cent lithia, but did contain a much less amount than 2½ per cent of lithia, to wit, only $\frac{5}{10}$ milligram of lithium per liter. It was further alleged that said label also bore the words and statement "Bowden Lithia Water," thereby meaning that the contents of the bottles and packages was lithia water, whereas, in truth and in fact, the said bottles and packages did not contain lithia water, and the said contents thereof was not lithia water, and there was not present in the contents of the said bottles and packages and in the water contained therein lithia in sufficient quantity and per cent thereof to justify the said contents in being called and classified as lithia water, nor did said water contain a sufficient amount of lithia to give and produce the therapeutic effect of lithia water.

On October 20, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4320. Adulteration of candy. U. S. v. Novelty Candy Co., a corporation. corporation. Plea of guilty. Fine, $10 and costs. (F. & D. No. 3338. I. S. No. 13826-c.)

On January 20, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Novelty Candy Co., a corporation, doing business at Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on January 25, 1911, from the State of Illinois into the State of Missouri, of a quantity of a confection known as spice eggs which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was coated with a mineral substance, which was shown by analysis to be talc.

Adulteration was alleged in the information for the reason that the article of food, to wit, spice eggs, contained talc.

On July 14, 1915, the defendant company entered a plea of guilty to the information, and on December 10, 1915, the court imposed a fine of $10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4321. Adulteration of confectionery. U. S. v. James A. McClurg & Sons, a corporation. Plea of guilty. Fine, $5. (F. & D. No. 3386. I. S. No. 11765-c.)

On July 23, 1912, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James A. McClurg & Sons, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on February 16, 1911, from the State of New York into the State of Massachusetts, of a quantity of confectionery which was adulterated. The article was labeled: (Guaranty Legend Serial No. 2451) "Hard to Beat. Specialties in Confections." (Guaranty legend Jas. A. McClurg & Sons, Inc.) "Serial No. 2451."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it contained a silicate of alumina of the nature of terra alba.

Adulteration was alleged in the information for the reason that the article contained terra alba.

On December 22, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $5.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4322. Alleged adulteration and misbranding of "Germ Graham Flour." U. S. v. The John P. Dousman Milling Co., a corporation. Demurrer to information sustained. Information ordered dismissed. (F. & D. No. 3786. I. S. No. 17362-c.)

On April 22, 1912, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the John P. Dousman Milling Co., a corporation, De Pere, Wis., charging shipment by defendant company on May 3, 1911, from the State of Wisconsin into the State of Michigan, of a quantity of "Germ Graham Flour" which was alleged to have been adulterated and misbranded. The article was labeled: "1-20 Bbl. 10 lbs. Patent 1892 Germ Graham Flour Put up by J. P. Dousman Milling Co., De Pere, Wis. Dousman's Germ Graham."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	11.82
Ash (per cent)	1.28
Protein (N x 6.25) (per cent)	14.68
Fiber (per cent)	0.82
Ether extract (per cent)	2.14

Examination of the sample showed the article to be a mixture of ordinary flour and germ bran.

Adulteration of the article was alleged in the information for the reason that it was sold under and by the name "Germ Graham Flour," understood by the trade and by the public to be unbolted wheat meal, whereas, in truth and in fact, the said food product contained and possessed, at the time of shipment in interstate commerce, a mixture of ordinary flour and germ bran.

Misbranding was alleged for the reason that the product bore the label set forth above, which said label was false and misleading, for the reason that the statement "Germ Graham Flour" led purchasers to believe, and was calculated so to lead them to believe, that the food product contained an appreciable amount of wheat germ, whereas, in truth and in fact, it was a mixture of ordinary flour and germ bran.

On May 18, 1912, the defendant company filed its answer to the information, which was afterward withdrawn, and its demurrer to the information interposed. On July 30, 1915, the case having come on for hearing, and having been submitted to the court upon the pleadings and upon an agreed statement of facts, it was ordered by the court that the information be dismissed.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4323. Misbranding of lemon oleum. U. S. * * * v. Thomson & Taylor Spice Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 4177. I. S. No. 16088–d.)

On January 20, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Thomson & Taylor Spice Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on December 5, 1911, from the State of Illinois into the State of Indiana, of a quantity of Lemon Oleum which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted largely of cottonseed oil.

Misbranding of the article was alleged in the information for the reason that each of the cans containing the same bore a label in words and figures as follows, to wit, "Lemon Oleum. An Economical Oil Compound imparting the true Lemon Flavor W. H. Murphy Co. Chicago. Serial 7382," which said statement on the label was false and misleading, in that it represented to the purchaser, and misled and deceived the purchaser into the belief, that the article was lemon oil, whereas, in truth and in fact, it was not, but was a mixture of a small percentage of lemon oil and a large percentage of cottonseed oil.

On February 25, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4324. Adulteration and misbranding of trional tablets, hydrastis, and acetanilid tablets. U. S. v. Independent Pharmaceutical Co. Plea of nolo contendere. Fine, $25. (F. & D. Nos. 4219, 4260, 4728. I. S. Nos. 13319-d, 13317-d, 13320-d.)

On March 19, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Independent Pharmaceutical Co., a corporation, Worcester, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on January 13, 1912, from the State of Massachusetts into the State of Rhode Island, of quantities of trional tablets, hydrastis, and acetanilid tablets which were adulterated and misbranded. The trional tablets were labeled: (On bottle) "Compressed tablets. No. 2081. Guaranteed by Independent Pharmaceutical Co. under Food and Drugs Act, June 30, 1906, 200 Trional, 5 gr. Independent Pharmaceutical Co., Worcester, Mass., 2157 21." The hydrastis was labeled: (On bottle) "Fluid extract of Golden Seal (Hydrastis Canadensis.) (Assays 2.5 per cent Hydrastine.) Common names, Yellow Root, Indian Tumeric, Yellow Puccoon, Medicinal properties, Tonic, Alterative, Antiseptic. Dose 10 to 30 minims. Tincture of Golden Seal. Take of Fl. Ext. Golden Seal 2 fl. oz., Dilute Alcohol 8 fl. oz., Mix. Dose: One-half to one Teaspoonful. Elixir of Golden Seal: Take of Fl. Ext. Golden Seal 1 fl. oz., Aromatic Elixir 7 fl. oz., Mix. Dose: Teaspoonful. This preparation contains 57 per cent Alcohol. No. 2081. Guaranteed by Independent Pharmaceutical Co., under Food and Drugs Act, June 30, 1906. Manufactured by Independent Pharmaceutical Co., Worcester, Mass. Office and Laboratory, No. 9, May Street." The acetanilid tablets were labeled: "Tablet No. 2081. Guaranteed by Independent Pharmaceutical Co. under Food and Drugs Act, June 30, 1906. 200 Acetanilid 1 gr. Independent Pharmaceutical Co., Worcester, Mass."

Analysis of a sample of the trional tablets by the Bureau of Chemistry of this department showed the following results:

50 tablets weighed	(grams)	18.295
Trional found:		
(1)	(per cent)	48.3
(2)	(per cent)	48.0
(3)	(per cent)	48.2
Trional per average tablet	(grains)	2.721
Shortage	(per cent)	45.6

Analysis of a sample of the hydrastis by the Bureau of Chemistry of this department showed the following results:

Hydrastine	(gram per 100 cc)	0.68

Analysis of a sample of the acetanilid tablets by the Bureau of Chemistry of this department showed the following results:

50 tablets weighed	(grams)	4.241
Acetanilid found:		
(1)	(per cent)	64.92
(2)	(per cent)	64.62
Acetanilid per average tablet	(grain)	0.848
Shortage	(per cent)	15.2

Adulteration of the products was alleged in the information for the reason that the strength and purity of said drugs fell below the professed standard and quality under which said drugs were sold; that is to say, said drugs were labeled, represented, and purported to contain 5 grains per tablet of trional,

2.5 per cent hydrastine, and 1 grain of acetanilid per tablet, respectively, whereas, in truth and in fact, said drugs contained much less than 5 grains trional, much less than 2.5 per cent of hydrastine, and much less than 1 grain of acetanilid per tablet.

Misbranding of the trional and acetanilid tablets was alleged for the reason that the packages and labels thereof bore certain statements, designs, and devices, regarding said drugs and the ingredients and substances therein contained, which were false and misleading; that is to say, the words and figures "Compressed tablets" and "200 Trional 5 gr." and "Acetanilid 1 gr." respectively, in that said statements, designs, and devices, consisting of said words and figures, would lead a purchaser to believe that said drugs contained 5 grains per tablet of trional, or 1 grain of acetanilid per tablet, respectively, whereas, in truth and in fact, said drugs did not contain 5 grains of trional or 1 grain of acetanilid per tablet. Misbranding of the hydrastis was alleged for the reason that the package and label thereof bore a certain statement, design, and device, regarding said drug and the substances and ingredients contained therein, which was false and misleading; that is to say, the words and figures as follows: "Assays 2.5 per cent Hydrastine," which appeared thereon, would lead a purchaser to believe that said drug contained 2.5 per cent hydrastine, whereas, in truth and in fact, it did not contain said amount, but contained a much less amount of said hydrastine.

On October 14, 1915, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4325. Misbranding of artificial strawberry and artificial pineapple flavorings. U. S. v. Durand & Kasper Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 4388. I. S. Nos. 13147–d, 13148–d.)

On November 14, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Durand & Kasper Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on April 18, 1912, from the State of Illinois into the State of Massachusetts, of quantities of "Artificial Strawberry Flavoring" and "Artificial Pineapple Flavoring," which were misbranded. The artificial strawberry flavoring was labeled: (Blown in bottle) "2 Oz. Full measure." (Stenciled on box) "3 Doz. 2 Oz. Full Measure Durkasco Brand Artificial Flavorings Artificial Strawberry Manufactured by Durand & Kasper Co., Chicago." The artificial pineapple flavoring was labeled: (Blown in bottle) "2 Oz. Full Measure." (Stenciled on box) "3 Doz. 2 Oz. Full Measure. Durkasco Brand Artificial Flavorings Artificial Pineapple Manufactured by Durand & Kasper Co. Chicago."

Examination of 30 samples of each of the flavorings, made by the Bureau of Chemistry of this department, showed in the case of the strawberry flavoring an average measure of 1.85 ounces, amounting to an average shortage of 7.5 per cent; and in the case of the pineapple flavoring an average measure of 1.82 ounces, which amounted to an average shortage of 9 per cent.

Misbranding of the articles was alleged in the information for the reason that each of the bottles containing the articles of food bore labels in the words and figures set forth above, which said statements on the labels appearing on the bottles and boxes aforesaid were false and misleading in that the statement "2 Oz. Full Measure" represented to the purchaser that each of the bottles aforesaid contained two [fluid] ounces of one or the other of the articles of food aforesaid, whereas, in truth and in fact, each of the bottles did not contain two [fluid] ounces in volume of the articles of food aforesaid, but a much less amount. Misbranding was alleged for the further reason that said statement appearing on the bottles and boxes aforesaid deceived and misled the purchaser in that the statement "2 Oz. Full Measure" represented to the purchaser that each of the bottles contained two [fluid] ounces of one or the other of the articles of food aforesaid, whereas, in truth and in fact, each of the bottles aforesaid did not contain two [fluid] ounces in volume of the articles of food aforesaid, but a much less amount.

On October 9, 1915, the defendant company withdrew its plea of not guilty theretofore entered and entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4326. Adulteration and misbranding of vanilla extract and misbranding of orange extract, artificial pineapple flavoring, lemon extract, and artificial strawberry flavoring. U. S. v. Durand & Kasper Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 4389. I. S. Nos. 15359–d, 15360–d, 15361–d, 15362–d, 15363–d.)

On November 14, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Durand & Kasper Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on January 6, 1912, from the State of Illinois into the State of Massachusetts, of a quantity of vanilla extract which was adulterated and misbranded, and quantities of orange extract, artificial pineapple flavoring, lemon extract, and artificial strawberry flavoring which were misbranded.

Analysis of a sample of the vanilla extract by the Bureau of Chemistry of this department showed the following results:

Specific gravity 15.6° C./15.6° C	1.0088
Alcohol (per cent by volume)	42.44
Methyl alcohol	None.
Average capacity of 8 bottles (fluid ounces)	1.76
Vanillin (per cent)	0.07
Lead number	0.22

Adulteration of this article was alleged in the information for the reason that another substance, to wit, a dilute extract of vanilla, had been mixed and packed with the pure vanilla extract in such manner as to reduce and lower and injuriously affect the quality and strength of the pure vanilla extract aforesaid, which the said article of food aforesaid purported to be; and for the further reason that another substance, to wit, a dilute extract of vanilla, had been substituted wholly for pure vanilla extract; and for the further reason that another substance, to wit, a dilute extract of vanilla, had been substituted in part for pure vanilla extract.

Misbranding was alleged for the reason that each of the bottles and cartons and the box containing the article of food bore a label in words and figures, respectively, as follows, to wit: (Blown in bottle) "2 Oz. Full Measure." (Carton) "Durkasco Brand Flavoring Extracts Vanilla Manufactured by Durand & Kasper Co. Chicago." (On flaps) "2 Ounces Vanilla." (Stenciled on box) "1 Doz. 2 Oz. Full Measure," which said statement appearing on the label borne on the bottles, cartons, and box aforesaid was false and misleading in that the statement "Flavoring Extracts Vanilla" represented to the purchaser that the article of food aforesaid was full-strength vanilla extract, whereas, in truth and in fact, it was not a true and full-strength extract of vanilla, but was a dilute vanilla extract. Misbranding was alleged for the further reason that said statement misled and deceived the purchaser into the belief that the article of food aforesaid was a full-strength vanilla extract, whereas, in truth and in fact, it was not a true and full-strength extract of vanilla, but was a dilute vanilla extract. Misbranding was alleged for the further reason that said statement was false and misleading in that the statement "2 Oz. Full Measure" represented to the purchaser that each of the bottles contained 2 [fluid] ounces of the article of food aforesaid, whereas, in truth and in fact, each of the bottles contained less than 2 ounces in volume of the article of food aforesaid. Misbranding was alleged for the further reason that said statement misled and deceived the purchaser in that the statement "2 Oz. Full Measure" represented to the purchaser that each of the bottles contained 2 [fluid] ounces of the

article of food aforesaid, whereas, in truth and in fact, each of the bottles contained less than 2 ounces in volume of the article of food aforesaid.

Examination of 11 bottles of the orange extract by the Bureau of Chemistry of this department showed an average volume of 55.8 cc, which amounted to a shortage of 7 per cent. Examination of 9 samples of the artificial pineapple flavoring by said bureau showed an average net volume of 52.7 cc, which amounted to a shortage of 10.8 per cent. Examination of 12 bottles of the lemon extract by said bureau showed an average net volume of 53.8 cc, which amounted to a shortage of 9.1 per cent. Examination of 9 bottles of the artificial strawberry flavoring by said bureau showed an average net volume of 55.2 cc, which amounted to a shortage of 6.7 per cent.

Misbranding of each of these articles was alleged in the information for the reason that each of the bottles, cartons, and boxes containing the articles of food bore labels in words and figures, respectively, as follows, to wit (Orange Extract): (Blown in bottle) "2 Oz. Full Measure" (Carton) "Durkasco Brand Flavoring Extracts Orange Manufactured by Durand & Kasper Co. Chicago" (On flaps) "2 Ounces Orange" (Stenciled on box) "1 Doz. 2 Oz. Full Measure"; (Artificial Pineapple Flavoring): (Blown in bottle) "2 Oz. Full Measure" (Carton) "Durkasco Brand Artificial Flavorings Artificial Pineapple Manufactured by Durand & Kasper Co. Chicago." (Stenciled on box) "1 Doz. 2 Oz. Full Measure"; (Extract of Lemon): (Blown in bottle) "2 Oz. Full Measure" (Carton) "Durkasco Brand Flavoring Extracts Lemon Manufactured by Durand & Kasper Co. Chicago." (On flaps) "2 Ounces Lemon" (Stenciled on box) "2 Oz. Full Measure"; (Artificial Strawberry Flavoring): (Blown in bottle) "2 Oz. Full Measure" (Carton) "Durkasco Brand Artificial Flavorings Artificial Strawberry. Manufactured by Durand & Kasper Co. Chicago." (On flaps) "2 Ounces" (On box) "1 Doz. 2 Oz. Full Measure," which said statements appearing on the labels borne on the bottles, cartons, and boxes aforesaid were false and misleading in that the statement "2 Oz. Full Measure" represented to the purchaser that each of the bottles aforesaid contained 2 [fluid] ounces of the article of food aforesaid (orange extract, artificial pineapple flavoring, lemon extract, or artificial strawberry flavoring, as the case might be), whereas, in truth and in fact, each of the bottles aforesaid contained less than 2 ounces in volume of the article food aforesaid (orange extract, artificial pineapple flavoring, lemon extract, or artificial strawberry flavoring, as the case might be). Misbranding was alleged for the further reason that said statement misled and deceived the purchaser in that the statement "2 Oz. Full Measure" represented to the purchaser that each of the bottles aforesaid contained 2 [fluid] ounces of the article of food aforesaid (orange extract, artificial pineapple flavoring, lemon extract, or artificial strawberry flavoring, as the case might be), whereas, in truth and in fact, each of the bottles aforesaid contained less than 2 ounces in volume of the article of food aforesaid (orange extract, artificial pineapple flavoring, lemon extract, or artificial strawberry flavoring, as the case might be).

On October 9, 1915, the defendant company withdrew its plea of not guilty theretofore entered and entered a plea of guilty to the information, and on October 23, 1915, the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4327. Adulteration and misbranding of beer. U. S. v. Conrad Seipp Brewing Co., a corporation. Plea of guilty. Fine, $100 and costs. (F. & D. No. 4772. I. S. No. 36058–e.)

On June 5, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Conrad Seipp Brewing Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on July 17, 1912, from the State of Illinois into the State of Iowa, of a quantity of beer, which was adulterated and misbranded. The article was labeled: "Seipp's Extra Pale Beer This beer is brewed from choice Bohemian Hops and fancy Barley, by the original Seipp Process and warranted to keep in any climate Brewed and Bottled by The Conrad Seipp Brewing Co. Chicago, U. S. A. Guaranteed by the Conrad Seipp Brewing Co. under the Food and Drugs Act, June 30, 1906. Serial No. 3750."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity, 15.5° C	1.0185
Alcohol (specific gravity) (per cent by volume)	4.19
Alcohol (Zeiss) (per cent by volume)	4.22
Extract (specific gravity) (grams per 100 cc)	6.46
Extract (Zeiss) (grams per 100 cc)	6.48
Extract, original wort (per cent)	14.01
Degree fermentation	55.55
Total acid (grams per 100 cc)	0.135
Volatile acid (grams per 100 cc)	0.005
Maltose (per cent)	2.05
Dextrin (per cent)	3.34
Ash (per cent)	0.146
Phosphoric acid (P_2O_5) (per cent)	0.046
Polarimeter (°V.)	+50.4

Adulteration of the article was alleged in the information for the reason that each of the bottles containing the same was labeled as set forth above, which said statements appearing upon the labels conveyed to the purchaser thereof the impression that it was a malt beer, brewed from choice Bohemian hops and fancy barley, and no other ingredient, whereas, in truth and in fact, another substance, to wit, a product prepared from a malt substitute, had been mixed and packed with the article in such a manner as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the article of food aforesaid.

Misbranding was alleged for the reason that said statements appearing upon the labels were false and misleading, and deceived and misled the purchaser, in that said statements created the impression that the article was a malt beer, brewed from choice Bohemian hops and fancy barley, whereas, in truth and in fact, it was not, but was a malt beer with which had been mixed a product prepared from malt substitute.

On July 14, 1915, the defendant company entered a plea of guilty to the information, and on December 10, 1915, the court imposed a fine of $100 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4328. Adulteration of frozen mixed eggs. U. S. v. Lepman & Heggie, a corporation. Plea of guilty. Fine, $200 and costs. (F. & D. No. 5174. I. S. No. 240–e.)

On June 5, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lepman & Heggie, a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 5, 1912, from the State of Illinois into the State of New York, of a quantity of frozen mixed eggs, which article was adulterated.

Analysis of samples of the product by the Bureau of Chemistry of this department showed that the product was badly decomposed. The results were in accordance with those obtained on black-rot eggs.

Adulteration was alleged in the information for the reason that the article, when it was shipped and delivered for shipment, consisted wholly of a filthy animal substance; for the further reason that it consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a putrid animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On December 9, 1915, the defendant company entered a plea of guilty to the information. and on December 13, 1915, the court imposed a fine of $200 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4329. Alleged adulteration and misbranding of "Fancy Mixed Nuts." U. S. v. 25 Bags of Nuts. Tried to the court and jury. Verdict in favor of the claimant by direction of the court. (F. & D. No. 5462. I. S. No. 1083–h. S. No. 2034.)

On December 5, 1913, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on October 21, 1914, an amended libel, for the seizure and condemnation of 25 bags of nuts, remaining unsold in the original unbroken packages at Wheeling, W. Va., alleging that the article had been shipped by Hills Bros. Co., New York, N. Y., during October, 1913, and transported from the State of New York into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "Fancy Mixed Nuts."

Adulteration of the article was alleged in the libel and amended libel for the reason that said nuts were wormy, some of them empty and moldy and unfit for food, portions thereof being filthy and decayed.

Misbranding was alleged in the amended libel for the reason that the term "Fancy Mixed Nuts" appearing on the label was false and misleading, because the nuts were not fancy mixed nuts but were of a grade inferior thereto.

On May 7, 1915, Hills Bros. Co., New York, N. Y., filed their claim, and on October 19, 1915, their answer to the libels.

On October 23, 1915, the case having come on for hearing before the court and jury, after the submission of evidence the court directed a verdict in favor of the said claimant, and thereupon the jury returned a verdict declaring the nuts not to be adulterated or misbranded.

During the progress of the trial the following rulings upon the admissibility of evidence tending to show that the nuts were not fancy mixed nuts, were made by the court (Dayton, *J.*):

Court: "Well, under this law as I understand it, persons—property might be confiscated and the owners held subject to fine—I think there is a criminal offense connected with the violation of the branding feature of the law. Now I don't believe the trade can establish what shall constitute a criminal offense nor that the opinion of men engaged in any special line of business can establish a standard which may hold another man engaged in that business, guilty of a criminal offense and lay him liable to fine and confiscation of his property."

"Well, gentlemen, I don't think I will permit you to go and introduce evidence tending to establish a standard set up by the opinion of the 'trade' so called. How can any set of individuals be empowered to speak for the 'trade' anyway? It doesn't seem to me that it would be fair or reasonable to allow the opinion of men who deal in nuts or any other commodity to establish what may be an offense by some one (of) their brother tradesmen. It seems to me it would make it very easy for one set of men to injure and destroy competitors in a similar line. It seems to me that until the department establishes a set standard of quality for nuts to be branded as 'fancy,' or 'choice,' or what not, that it would be altogether unsafe to attempt to set up a standard by common consent of the trade, and to use that standard to harrass and annoy dealers who may be in good faith trying to live up to the law, and to make them amenable to such a vague and indefinite standard as I understand the Government seeks to establish by the testimony of men engaged in the business of handling these nuts. The department under the Pure Food and Drugs Act, as I understand, has the power to establish certain standards—they can establish a standard as to what shall constitute fancy mixed nuts and what shall not, and until they do so, I don't see how it will be possible to proceed under this law. As I understand there have been standards established for different commodities, and it can be done in the case of nuts, and unless you can establish such a set standard, open and understood by those who come under its rulings, it doesn't seem to me that the Government can hope to establish its case."

"I certainly will not permit you to bring in anybody who deals in nuts and have them say that in their opinion these nuts did not come up to the grade of fancy mixed, until you show that there is a Government standard, because this law establishes what is in effect an offense punishable at least by confiscation of property, and I believe under certain circumstances by fine, and this would simply mean allowing the trade to fix what will become a criminal offense, instead of fixing it by regulation of the department, as the act provides it shall be done. Under the view taken by the Government it seems to me a half a dozen or a dozen dealers, if they wanted to break up a prosperous firm, could get together and swear that they were selling a lower grade of commodity under a brand of a higher grade and were thus guilty of misbranding, and the opinion of these men might prevail in a court of law and thus work great hardship upon a firm or individual."

"As I understand, the grade of fancy mixed nuts is not established by any regulation of the department, but is a mere trade term, which is likely to be different in different localities, and may mean one thing here and something very different at another point, and inasmuch as that standard involves a criminal offense I think it should be established by the department itself and not by private individuals, who might conceivably have an interest in establishing a grade suitable to themselves and be swayed by self-interest, in their testimony."

"The Government has it within its power to fix regulations by which these nuts can be gauged as to quality, whether up to standard called for by the brand or not, and the Government ought to do it and not seek to set a standard by the mere opinion of private individuals."

"Well, gentlemen, you can't get me, as a matter of conscience, to believe that any person under an act authorizing the Department of Agriculture to issue regulations as to what shall constitute misbranding, and if that regulation be violated—(because the act gives the department the right to establish such regulations)—and if that act is violated, the party can be made criminally responsible. Now you can't get me to believe in conscience that the Department of Agriculture can, without making any regulation known to the public whereby dealers can be governed and guided, bring in a man or even seize his property, and upon the opinion of the so-called 'trade' hold him guilty of a criminal offense, or at least liable to seizure of his property. There is no use of arguing that any further."

"The trouble is, it seems to me, that the trade practice in New York might be entirely different from the practice here. Fancy mixed nuts in one place might be an entirely different and distinct grade from that classification in another place. If your idea were proper, we might establish one grade for instance in New York, another in Wheeling, another in Philippi and so on. Gentlemen, I have stated my ruling before. The Department of Agriculture has the power to fix a standard but fails to do it. Now it brings in a case at Wheeling, where the standard is one thing, and puts it up to the trade in general—brings in perhaps a witness from Baltimore, where the customs may be entirely different as to classification and grading. I don't think it is fair or equitable, and I am not willing it shall be done."

"There is no trouble about the name. The trouble lies in the utter failure of the department to establish what percentage of bad nuts shall constitute the standard of 'fancy mixed nuts.' The percentage of bad nuts or of small nuts or of the various sort of nuts contained in the mixture. They have failed to do that, and they can't put that responsibility on the trade. I don't think that meaning was ever intended to be given to the Food and Drugs Act."

"You are not in position to establish this case until you can establish a standard set up and published by the department. A standard which would be known to the trade, so that any dealer who desired to comply with the law as to branding would have access to it and would have absolute knowledge of its requirements and not be dependent altogether on the mere opinion of trade experts who, as I say, might differ materially in their views according to the locations where their business or experience had been attained."

"Well, my ruling is that you can't prove by the trade, by a number of witnesses, the trade understanding as to what constitutes fancy mixed nuts, that no such standard can be used as a basis for this action, but that it must be a Government standard fixed and published by the Department of Agriculture."

"Let the record show that the defendant claimant objected and excepted to the tender of testimony on this question, and the court sustains such objection, for the reason that these nuts were seized in 1913 and their outside appearance at this time would be manifestly misleading, but more particularly for the reason that the Department of Agriculture under the Pure Food and Drugs Act has full authority by regulation to determine what percentage of these nuts shall constitute a fancy mixed nut or first grade and what percentage second-grade or choice nut and to enforce such regulation when published, by the criminal provisions of this act, and that it can not, in the judgment of this court, fail to establish such regulation and then leave it to the opinion of dealers in various sections of the country to establish whether 17 per cent of badness will constitute a violation of the statute and condemn them, and 10 per cent of badness would prevent a person from being so prosecuted."

It is probable that this case will be taken by the Government by writ of error to the Circuit Court of Appeals for the Fourth Circuit.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4330. Adulteration and misbranding of cider. U. S. v. Jacob Shucart (National Bottling Co.). Tried to the court and a jury. Verdict of guilty. Defendant's motion in arrest of judgment sustained and new trial awarded. (F. & D. No. 5486. I. S. No. 36262–e.)

On September 28, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob Shucart, doing business under the name of National Bottling Co., St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 10, 1912, from the State of Missouri into the State of Illinois, of a quantity of cider which was adulterated and misbranded. The article was labeled: "Sweet Cider Produced of Concentrated Pure Apple Juice, preserved with 1–1000 part of Benzoate of Soda The National Bottling Co., 1311 N. Leffingwell Ave., St. Louis, Mo."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Solids (grams per 100 cc.)	1.60
Ash (grams per 100 cc.)	0.058
Saccharin (grams per 100 cc.)	0.014
Color (degrees, Brewer's scale, ½-inch cell)	10

Caramel: Present.

These results show that the product is a highly diluted apple juice product to which saccharin and caramel have been added. The saccharin gives a sweet taste, simulating the taste of sweet cider, and the caramel produces a color like that of an undiluted sweet cider.

Adulteration of the article was alleged in the information for the reason that a substance, namely, saccharin, had been mixed and packed with the article so as to reduce or lower or injuriously affect its quality or strength; further, in that substances other than sweet cider, namely, water, saccharin, and caramel, had been substituted, in whole or in part, for sweet cider, which the article purported to be; further, in that the article had been colored with caramel in a manner whereby its inferiority was concealed; further, in that said article contained an added poisonous or added deleterious ingredient, namely, saccharin, which might render said article injurious to health.

Misbranding was alleged for the reason that the statements "Sweet Cider" and "Produced of Concentrated Pure Apple Juice," borne on the labels of the bottles, were false and misleading, because, as a matter of fact, the article was not sweet cider produced of concentrated pure apple juice, as represented by said statements, but was an imitation cider prepared wholly or in part from water, saccharin, and an apple product artificially colored with caramel; further, in that the article was an imitation of sweet cider, prepared by mixing water, saccharin, and caramel with an apple product, and said imitation so prepared was offered for sale and sold under the distinctive name of another article, namely, "Sweet Cider"; and, further, in that the article was labeled and branded so as to deceive and mislead the purchaser into the belief that it was sweet cider, whereas, in truth and in fact, it was not sweet cider, but was a mixture or compound prepared from water, saccharin, and caramel.

On November 8, 1915, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the following charge was delivered to the jury by the court (Dyer, *J.*):

Gentlemen of the Jury: On the 30th of June, 1906, an act was passed by the Congress of the United States and was approved by the President of the

United States. That is, "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded, or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes." That is the style of the act.

Of course, there can be no punishment under this act for anyone who may in this state adulterate or misbrand such products if their sale is made within the State of Missouri and confined alone to the State of Missouri, but the act of Congress regulating the sale in interstate commerce has control of it so that while under the state law the misbranding or adulteration of food or drugs may be prosecuted in the state court for violation within the State, we have to go beyond that before we can convict a man in the Federal court, because he must have sold or shipped or transferred to another State the product so adulterated or misbranded. If there was no such shipment, no such carrying to the other side of the river in the State of Illinois, however much the article may be deleterious to health or otherwise, or however false the brand on it may be. there can be no conviction of the party in the Federal court.

The best and wisest law that has found its way upon the statute books in a half century is this particular statute. It is a statute aimed to protect the consumer against adulterated food, or buying in the belief it is one thing under a brand that is put upon it, and finding out afterwards that it is another thing. It is an act for the protection of the consumer of these products, and it insists that if you brand an article at all you shall tell the truth by your brand, and if you do not tell the truth by the brand that you put on the article then the article is misbranded. That is all there is to this whole business from start to finish. If you sell a food and it has been adulterated and does not represent truly what that food is, then it is a violation of the act to sell such adulterated food, and if you misbrand it by calling it one thing when it is another, then you have violated the law.

You may remember that during the course of this case and during the examination of witnesses the court called the attention of the witnesses on the stand to the averment in this information as to the character of the brand that was upon the article, about which there does not seem to be any dispute at all. Nobody disputed it; it is not disputed, as I understand.

What is it that was sold? As charged in the first count of the information: "Sweet cider produced of concentrated pure apple juice preserved with 1–1000 part of benzoate of soda." That is what was on the bottle, together with the name of the National Bottling Co., 1311 North Leffingwell Avenue, St. Louis, Mo.

That is what the Government complains of in this article—that the defendants claimed to be selling that particular thing when in point of fact, as the Government undertook to show, it was not sweet cider produced of concentrated pure apple juice preserved with 1–1,000 part of benzoate of soda.

What did they do; what is it? To get down to the facts: The testimony here is, and it is uncontradicted—there were not two analyses made of this cider, but an analysis made by the Government, and that analysis shows what the contents of that bottle were. That analysis shows that the bottle that was here shown (the analysis of which had been made in the laboratory of the Government) contained solids of 1.6 per cent; it contained sugar of 0.6 of 1 per cent; it contained ash of 0.06 of 1 per cent; it contained saccharin of 0.014 of 1 per cent; it contained benzoate of soda of 0.003 of 1 per cent.

The testimony further showed, and about which there seemed to be no contradiction, as to what sweet cider should contain; that it should contain solids of from 8 to 16 per cent, whereas the article that was examined, as shown to you by the testimony, contained only 1.6 of 1 per cent of solids.

The testimony shows that sweet cider should contain from 6 to 13 per cent of sugar, whereas this exhibit here was shown to contain only 0.6 of 1 per cent of sugar.

Of ash it should have contained 0.58 of 1 per cent, whereas in the sample shown it contained 0.06 of 1 per cent.

It was stated that saccharin should not be used in sweet cider, but in this case the amount of saccharin used was 0.014 of 1 per cent.

Of benzoate of soda in pure sweet cider none should be used, whereas in this case it showed that 0.003 of 1 per cent was used.

With that showing from the testimony in this case are you able to comprehend and did you understand why the court of its own motion asked witnesses

as to whether sweet cider produced of concentrated pure apple juice preserved with 1–1,000 of benzoate of soda, what that article was?

Pure apple cider: What did you find here? You did not find that? No. Ingredients were put into this product that adulterated the cider. That is the proof. Not necessarily that it should affect the health of anybody. That is one thing, but to keep the product pure is another thing.

What is the label? "Sweet cider produced of concentrated apple juice preserved with 1–1000 part of benzoate of soda." The question is, does the article that is produced here answer to that description?

There are practically but two questions here: If this defendant did not go to Illinois, did not authorize anyone to go to Illinois to sell this product, then he can not be bound by any act done by any other person. You have heard the testimony with reference to that particular matter. You are the judges of the testimony, not the court. You are the sole judges. It is your province, and not the court's province, to see whether in 1912 this defendant was selling this so-called cider on the other side of the river or not.

You have heard it stated here that this foreigner, who spoke very indifferent English, and it was very difficult to hear and understand exactly what he said, stated that he went over there in company with Shucart, in company with both of them, eventually, and that they obtained a wagon license in Granite City and in Madison. He says they got the license in the name of this company. The defendant says they did not. Which of them is telling the truth? That you must decide. Vasiloff said they got the license. It appears here in evidence that a license was issued over there to this company. There is no dispute about that, but, as I say, the defendant says he did not get the license and Vasiloff says they did. Somebody got it. There can not be any doubt about that, because the license was produced here.

All of this testimony you have to take together and see in what way it is corroborated.

The question arose as to when Vasiloff was discharged from the employ of this company. Each of these witnesses, Israel and Jacob Shucart, said that he was discharged in July, somewhere about the 18th or 20th of July, 1912; that they discharged him the evening of the day that they received notice from the Government that Vasiloff had been selling this cider over in Illinois. They say it was for that reason that they discharged him; that he had violated his contract with them and was selling outside of St. Louis instead of selling in St. Louis.

The original notice that was sent to these defendants by the Government was not produced; it had been mislaid or lost, but the Government showed that two notices were sent to this defendant with reference to this particular cider. One of the notices was dated the 30th of September, the other the 17th of October. The Shucarts say that they discharged this man because they received this notice from the Government. Vasiloff says he was discharged because of the purchase of a horse by them for which he had received a check which, when presented, was not paid by the bank. He says that was the reason for the split-up. It is for you to say which of these witnesses is to be believed. You are the sole judges of the testimony. You heard the testimony of all three of these men, and all the facts and circumstances, and it is for you to say which one of them has told the truth at this trial.

This is an information filed under the statute. One count charges adulteration and the other charges misbranding. You are to pass upon both counts. You may, upon the evidence, find the defendant guilty on one or both counts of the information, or you may find the defendant guilty on one or the other count of the information.

This is the act of Congress to which I called your attention before, being section 2 of the act, which provides:

"That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or

offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor."

And he may be prosecuted under that statute.

The court charges you that cider is a food within the meaning of this statute.

I do not know that it is necessary that I should charge you further. I have been asked to charge in several ways by the defendant. I have aimed to cover all their requests in the charge that I have delivered to you.

If you find, first, that Vasiloff took this product across the river into Illinois, and that he did so with the knowledge, consent, and approval of the defendant, then he was the agent of the defendant, and as such, under the law, the defendant is bound.

A contract between these parties was produced here. It is for you to say from all the facts and circumstances involved as to whether that contract offered in evidence was a genuine contract intended to confine Vasiloff to St. Louis alone, or whether it was made for the purpose of protecting these defendants in the event that Vasiloff should go into the State of Illinois.

These are matters for your consideration. You take all the facts and circumstances in this case, and in considering it you may take into consideration the intelligence and the ability of this witness Vasiloff to read, write, and understand what was written.

This is a criminal proceeding under the statute, and it is governed by certain laws that have been found wise in their application. The defendant here entered a plea of not guilty. That raises the presumption of his innocence, and that presumption continues throughout the trial and until it is overcome by testimony which satisfies you beyond a reasonable doubt of his guilt. He is presumed to be innocent. The law gives him the benefit of the doubt, but if you are satisfied beyond any reasonable doubt that this defendant engaged in shipping this product to Illinois, and that this man, Vasiloff, was acting as his agent in so doing, if you believe that from all the evidence in the case, then you should convict him. If you have such doubt arising from the evidence in the case, then it is your duty to return a verdict of not guilty against the defendant on this count.

You may take the case. A form of verdict has been prepared by the clerk. If you find the defendant guilty, sign the verdict as written. If you find him not guilty, insert the word "not" before the word "guilty."

Judge KLENE. If your honor please, I believe the rule is that any exception I have to the charge ought to be made in the presence of the jury?

The COURT. Yes.

Mr. KLENE. I want to except to the action of the court in not granting our several requests for a charge, numbering from 1 to 8.

The COURT. That may be allowed.

Mr. KLENE. I want to except to that part of the charge wherein the court stated that saccharin should not be used.

The COURT. The court did not say any such thing. The court stated what the witnesses said, that saccharin should not be used.

Mr. KLENE. Let me put it that way, then.

The COURT. Very well. I quoted the testimony of the witnesses.

Mr. KLENE. I except to the court stating that a witness should determine whether or not saccharin should be used.

The COURT. I did not say that. I said that the testimony of witnesses had been introduced and the witnesses testified so-and-so.

Mr. KLENE. I except to the court telling the jury that witnesses may say that saccharin shall not be used.

The COURT. You may have that exception.

Mr. KLENE. I except further to the court's instruction wherein he said it was not necessary for the Government to show that the use of saccharin should not affect the health of anyone. That language I took down——

The COURT. My charge will speak for itself. You may have your exception.

Mr. KLENE. I except further to the comment of the court (although I know it is permissible to make comments) that Vasiloff said that they obtained the license, when the court did not also say in that same connection that Vasiloff said he was not present when the license was taken out.

The COURT. You state that and I do not dispute it. Vasiloff says they got the license. He was not present when they got it. It turned out that they had the license.

Mr. KLENE. I except to that statement.

The COURT. I am talking to you.

Mr. KLENE. I except to the insinuation the court made as to the genuineness of this contract when the Government called it in question.

The COURT. You may have your exception to that.

Mr. KLENE. I further except to the fact that the court has not indicated to the jury the maximum of punishment.

The COURT. Gentlemen of the jury, you have nothing to do with the punishment in this case. Your duty will be performed when you find this defendant guilty or not guilty. It is the business of the court to assess the punishment, and not the jury. [To Mr. Klene:] Does that satisfy you?

Mr. KLENE. Yes, sir.

Thereupon the jury retired and, after due deliberation, returned into court with its verdict of guilty, and the court deferred the imposition of sentence. On January 11, 1916, the defendant filed his motion in arrest of judgment, and on January 20, 1916, said motion was sustained by the court and a new trial awarded.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4331. Misbranding of "Dander-Off." U. S. v. The C. Hughel Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 5513. I. S. No. 3316–h.)

On November 12, 1915, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment against The C. Hughel Co., a corporation, Indianapolis, Ind., charging shipment by said company, in violation of the Food and Drugs Act, as amended, on June 21, 1913, from the State of Indiana into the State of New York, of a quantity of "Dander-Off" which was misbranded. The article was labeled: (On carton) "Style Adopted Oct. 1, 1909. Hughels Trade Mark Reg. in U. S. Pat. Office Trade Mark Dander Off Hits the Spot Hair Tonic & Dandruff Remedy The Great Dandruff Remover and Scalp Remedy Dander-off Is a Scientifically Prepared Remedy for Diseases of the Scalp and to Promote the Growth of Hair Prepared by The C. Hughel Co. Indianapolis, Indiana. Dander-Off King of all Dandruff Remedies Contains no Oil, Alkali or Grease. Leaves hair soft and fluffy. Does not stick or gum. Pleasant to the scalp and easy to apply. A Superior Remedy for Dandruff In all its Forms. All diseased and eczemic affections of the Scalp. Allays itching in one or two applications. Stops Falling Fair. M. A. Russo Newport, R. I. Distributor for the New England States and New York City Depot, 416 West 53d Street New York N. Y. Get rid of Dandruff and your hair will grow. Directions. Before applying the Dander-Off give the scalp a mild rubbing with the ends of the fingers, Not The Finger Nails. Do not use a stiff, coarse, dirty brush in any instance. If head is not sore, apply twice a week for two weeks, just enough to dampen the hair, at the same time give the scalp a mild rubbing with the ends of the fingers. Then once a week, for two or three weeks, in the same manner. If head is sore use lightly once a week until cured. In no case irritate the scalp by scratching. One application of the remedy will stop the itching of the scalp. Do not wet the head with the remedy, just dampen the hair. An occasional application will be sufficient (after you will have effected a cure) to keep the scalp and the hair in a good and healthy condition. This bottle contains sufficient quantity for one person for six months. The manufacturers authorize every dealer to guarantee Dander-Off to give satisfaction in every case and to refund the money, should it ever fail. Guaranteed by C. Hughel under the Food and Drugs Act, June 30, 1906. Serial No. 9743." (On bottle) "Hughel's Dander Off Hits the Spot Trade Mark Reg. in U. S. Pat. Office Hair Tonic Dandruff Remedy The Greatest Remedy Science Has Produced A few applications will remove the worst case of Dandruff, suppress falling hair, stop itching, and will restore lifeless hair to good condition. Directions: If the head is not sore, apply twice a week for two weeks just enough to dampen the hair, giving the scalp a mild rubbing with the ends of the fingers. Then once a week in the same manner. If the head is sore, use lightly once a week until cured. Prepared by The C. Hughel Co. Indianapolis, Ind." The circular or pamphlet accompanying the article contained, among other things, the following: "Cure the Dandruff, Save Your Hair and Prevent Baldness." "Itching Scalp, Scurf and Eczemic Affections Readily yield to it. One application will stop itching of the scalp; five to ten applications are guaranteed to cure the worst cases of Dandruff, Scurf, Scrofulous and Eczemic affections of the scalp, if applied according to directions." "Falling Hair If your hair is falling out, caused by Dandruff or diseased scalp, Dander-Off will stop it. Puts the scalp in a good healthy condition, removes the disease, causes the hair to take on new life, and to grow more abundantly than ever."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Solids (gram per 100 cc)	0.57
Ash (gram per 100 cc)	0.39
Borax (gram per 100 cc)	0.29
Arsenic, as As_2O_3 (mg. per 100 cc)	14.0
Coal-tar dye (amaranth)	Present.

Sample is an alkaline solution of borax and arsenic trioxid, colored with coal-tar dye.

Misbranding of the article was charged in the indictment for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) "* * * A Superior Remedy for Dandruff In all its Forms. All diseased and eczemic affections of the Scalp. * * * Stops Falling Hair, * * *" (On bottle) "* * * A few applications will * * * restore lifeless hair to good condition * * *," and included in the circular or pamphlet aforesaid, to wit, "Cure the Dandruff, Save Your Hair and Prevent Baldness," "* * * five to ten applications are guaranteed to cure the worst cases of * * * Scrofulous and Eczemic affections of the scalp, if applied according to directions," "* * * causes the hair to take on new life, and to grow more abundantly than ever," were false and fraudulent, in that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients and medicinal agents effective, among other things, as a superior remedy for dandruff in all its forms and all diseased and eczemic affections of the scalp, and effective for stopping falling hair, and effective for restoring lifeless hair to good condition, and effective as a cure for dandruff and scrofulous and eczemic affections of the scalp if applied according to directions, and effective for causing the hair to take on new life and to grow more abundantly than ever, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients and medicinal agents effective, among other things, as a remedy for dandruff in all its forms, or for all diseased or eczemic affections of the scalp, or for stopping falling hair, or for restoring lifeless hair to good condition, or for curing dandruff or scrofulous or eczemic affections of the scalp if applied according to directions, or in any other manner, or for causing the hair to take on new life, or to grow more abundantly than ever.

On November 29, 1915, the defendant company entered a plea of guilty to the indictment, and the court imposed a fine of $50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4332. Misbranding of "Goff's Cough Syrup" and "Goff's Herb Bitters." U. S. * * * v. S. B. Goff & Sons Co., a corporation. Plea of guilty. Fine, $25. (F. & D. No. 5520. I. S. Nos 7716–e, 9107–e.)

On November 19, 1915, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the S. B. Goff & Sons Co., a corporation, of Camden, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, as amended: (1) On or about November 23, 1912, from the State of New Jersey into the State of New York, of a quantity of "Goff's Cough Syrup" which was misbranded. The article was labeled: (On carton) "Goff's Cough Syrup. Alcohol 10 per cent. This concentrated remedy is made from herbs and roots. Free from all opiates. Promptly and positively loosens phlegm, relieves coughing, tickling, hoarseness, distressing colds, whooping cough, asthma, prevents bronchitis, pneumonia. It immediately relieves croup. Price 25 cents. S. B. Goff & Sons Co., Sole Proprietors and Manufacturers, Camden, N. J., U. S. A. S. B. Goff's Family Medicines, Camden, N. J. Established 1872. Be sure to read the inclosed folder. Made of herbs. In use since 1872. Goff's Cough Syrup. Guarantee: Goff's Cough Syrup is prepared solely from the pure, concentrated extract of Horehound, Boneset, Mullein, Bloodroot, Elecampane, and nine other roots and herbs. It may be taken with perfect saftely by the youngest infant or the oldest person. It is entirely vegetable and absolutely pure. We guarantee that it does not contain any opiates or other harmful ingredients. Should this remedy fail to give entire satisfaction, we authorize the dealer to refund to you, without question, the purchase price, and we pay him. Guaranteed by S. B. Goff & Sons Co., under the Food and Drugs Act, June 30, 1906. No. 1046. S. B. Goff Founder Goff's Medicines. President, S. B. Goff & Sons Co. $1000 Reward to any person who can prove that we use one drop of Opium, Morphine, Chloroform, Heroin, Codeine, Cannabis Indica in Goff's Cough Syrup. In fact no opiates of any kind are used. It is made from Boneset, Horehound, Mullein, Bloodroot, Skunk Cabbage Root, and nine other valuable herbs. Absolutely pure and positively safe for infants and children. It has broken up bad colds in two days. It has relieved croup in 15 minutes. Test it in your family and learn how pleasant, effective, and superior it really is. The 50c. size contains nearly three times as much as the 25c. size. Therefore the most economical. Children Love It. Always Use Goff's. Will relieve Croup." (On bottle) "Reg. U. S. Pat. Office. S. B. Goff's Cough Syrup, Alcohol 10 per cent. This herbal remedy acts directly on the throat and lungs as a powerful restorative. It is pleasant to the taste. For colds, Symptoms of Croup, Croup, Difficult Speaking, Coughs, Spitting of Blood, Pneumonia, Whooping cough, Bronchitis, Loss of voice, Sore throat, Weak lungs, Weak throat, Hoarseness, Pains in breast, Pleurisy, Tickling in throat, Asthma, Difficult breathing, Grippe. Directions: Adults, one teaspoonful every hour. Children, ½ teaspoonful; infants, 5 to 10 drops. In severe cases, repeat the dose as often as necessary to obtain relief; these average doses can be increased or decreased to suit each person. Croup. This remedy has never failed to relieve croup. Always give one teaspoonful every few minutes until relieved; in severe cases give large doses to produce vomiting; also bathe the neck and breast with Goff's Oil Liniment. See full directions on wrapper. Price 25 cents. S. B. Goff & Sons Co., Sole Proprs. and Manfrs. Camden, N. J., U. S. A. Guaranteed under the Food and Drugs Act, June 30, 1906. No. 1046." (Blown in bottle) "S. B. Goff's Cough Syrup, Camden, N. J." The circular or pamphlet accompanying the article contained, among other things, the following: "This cough syrup is fine for a sore throat gargle, excellent for asthma, will stop hard coughing in whooping cough and relieve croup in ten to fifteen minutes, preventing the development of fatal membranous croup."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	8.0
Methyl alcohol and acetone: Absent.	
Solids (per cent)	58.54
Ash, nearly all water soluble (per cent)	0.44
Sucrose (per cent)	49.81
Invert sugar (per cent)	5.18
Nonsugar solids (per cent)	3.55
Alkaloids (gram per 100 cc)	0.0066
Opium alkaloids: Absent.	
Chlorids: Present.	
Iron, iodids, antimony: Trace.	
Vegetable extractive: Present.	

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit: (On carton) "Goff's Cough Syrup * * * prevents bronchitis, pneumonia * * *," (On bottle) "This herbal remedy acts directly on the throat and lungs as a powerful restorative * * *," "For pneumonia, bronchitis, spitting of blood, whooping cough, weak lungs, pleurisy, grippe * * *," and the following statement included in the circular or pamphlet aforesaid, to wit: "* * * will relieve croup in ten to fifteen minutes, preventing the development of fatal membranous croup," were false and fraudulent in that the same were applied to said articles knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a preventive of bronchitis and pneumonia, as a powerful restorative for the throat and lungs, as a remedy for pneumonia, bronchitis, spitting of blood, whooping cough, weak lungs, pleurisy, and grippe, and as a preventive of fatal membranous croup, when, in truth and in fact, it was not.

(2) On or about February 23, 1913, from the State of New Jersey into the State of Maryland, of a quantity of "Goff's Herb Bitters" which was misbranded. This article was labeled: (On bottle) "Reg. U. S. Pat. Off. S. B. Goff's Herb Bitters Alcohol 12½ per Cent. This Herbal Remedy acts directly on the entire digestive system as a powerful restorative. For Malaria, Dizziness, Dyspepsia, Headache, Heartburn, Biliousness, Indigestion, Constipation, Coated Tongue, Kidney Diseases, Liver Affections, Chills and Fever, Loss of Strength, Hot and Cold Flashes, Irregular Bowels, Loss of Appetite, Pain in Stomach, Sour Stomach, Loss of Flesh, Impure Blood, Nervousness, Flatulence, Bad Taste, Belching, Vomiting, Grippe. Directions: Adults ½ Teaspoonful in water four times a day, after each meal and before retiring; children 5 to 15 drops. Take before meals if the ailment or condition requires. These average doses can be increased or decreased to suit each person. Enough should be taken to move the bowels freely twice daily. For a purgative dose, one tablespoonful for an adult. As a Tonic, add one dose to a glass of water. Sugar may be added to each dose and a little sugar taken immediately after the dose, if desired. See full directions on wrapper. Shake well, keep tightly corked. Price 25 Cents. S. B. Goff & Sons Co. Sole Proprs. and Manfrs. Camden, N. J. U. S. A. Guaranteed under the Foods and Drugs Act June 30, 1906. No. 1046." (Blown in bottle) "S. B. Goff's Herb Bitters Camden, N. J." (On carton) "Registered in U. S. Pat. Office Goff's Herb Bitters Alcohol 12½ per cent. This concentrated herbal remedy promptly and positively relieves dyspepsia and diseases of the stomach, liver and bowels, especially indigestion, biliousness and constipa-

tion, it acts directly on the entire digestive system as a powerful restorative and blood purifier. Price 25 cents. S. B. Goff & Sons Co. Sole Proprietors and Manufacturers Camden, N. J. U. S. A. This package adopted January 1st 1907." (On sides of carton) "Guarantee—Goff's Herb Bitters is compounded with the greatest possible care and attention to purity, strength and excellence. It can be taken with perfect safety by the youngest child or oldest person. We guarantee that it is the pure extract of carefully selected herbs, roots and barks, and that it does not contain any Whiskey, Wine, Gin, Minerals, Opiates, or any other harmful ingredients. It is absolutely pure. Should this remedy fail to give entire satisfaction, we authorize the dealer to refund to you without question, the purchase price. Guaranteed by S. B. Goff & Sons, Co., under the Food and Drugs Act, June 30, 1906. No. 1046. S. B. Goff, President, S. B. Goff & Sons Co. Founder Goff's Medicines. Goff's Herb Bitters A certain Remedy, for Headache, Coated Tongue, Bad Taste in the Mouth, Sour Stomach, Belching, Heartburn, Water Brash, Distress after Eating and Dizziness. These ailments are positive symptoms of Dyspepsia, and will eventually lead to impure Blood, Chronic Constipation, Rheumatism and Kidney Diseases. Goff's herb Bitters, by its antiseptic restorative action positively relieves Dyspepsia and its symptoms. You will be surprised at the beneficial action upon the digestion immediately. Typhoid Fever, La Grippe, Malaria and Appendicitis cannot possibly exist in the system when Goff's Herb Bitters are regularly taken according to direction. It removes the cause. By its use, thousands of Dyspeptics have been relieved after everything else failed." (On top flap) (Trade Mark) "S. B. Goff's Family Medicines Camden, N. J. Established 1872. Purely Vegetable Guaranteed absolutely Pure" (On bottom flap) "Goff's Herb Bitters Pure Extract of Herbs Always Reliable Established 1872" (Statements on back of carton in foreign languages.)

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Alcohol (per cent by volume)	11.3
Nonvolatile matter (per cent)	19.46
Ash (per cent)	3.09
Sugar (sucrose) calculated (per cent)	12.14

Digestive material: None.
Vegetable matter: Aloes.
Alkaline carbonates and chlorids: Present.
Peppermint: Present.

A hydroalcoholic solution of aloes, sugar, and alkaline carbonates, flavored with peppermint.

Misbranding of this article was alleged in the information for the reason that the following statement regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit: (On carton) "* * * Typhoid Fever, La Grippe, Malaria, and Appendicitis cannot possibly exist in the system when Goff's Herb Bitters are regularly taken according to direction, * * *" was false and fraudulent in that the same was applied to said article knowingly, and in reckless and wanton disregard of its truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for typhoid fever, la grippe, malaria, and appendicitis, when, in truth and in fact, it was not.

On December 6, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4333. Adulteration of ginger ale. U. S. * * * v. Julius Swiderski (Sobiesky Bottling Works). Plea of guilty. Fine, $25 and costs. (F. & D. No. 5556. I. S. No. 1915–e.)

On June 5, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Julius Swidersky, doing business under the name of Sobiesky Bottling Works, Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on October 8, 1912, from the State of Illinois into the State of Indiana, of a quantity of ginger ale, which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Solids (per cent)	3.61
Nonsugar solids (per cent)	0.17
Sucrose (Clerget) (per cent)	2.70
Reducing sugars as invert (per cent)	0.74
Polarization:	
Direct at 29° C. (undiluted) (° V.)	2.7
Invert at 29° C. (undiluted) (° V.)	0.8
Invert at 87° C. (undiluted) (° V.)	0.1
Coal-tar dye: None found.	
Capsicum (La Wall): Positive.	
Saccharin (Schmidt): Present.	
Saccharin, approximately (per cent)	0.007
Organoleptic test: Ginger present.	

Adulteration of the article was alleged in the information for the reason that a substance, to wit, saccharin, had been mixed and packed with the article of food aforesaid, as a substitute for sugar, so as to reduce, lower, and injuriously affect the quality thereof; for the further reason that a certain substance, to wit, saccharin, had been substituted in part for the article of food aforesaid; and for the further reason that the article contained a certain substance, to wit, saccharin, an added poisonous, [or] and an added deleterious ingredient which might render it injurious to health.

On December 21, 1915, the defendant entered a plea of guilty to the information, and on December 23, 1915, the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4334. Adulteration and misbranding of coffee. U. S. v. 20 Cases of Coffee. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5606. I. S. No. 8007–h. S. No. 2130.)

On March 4, 1914, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 cases, each containing 60 one-pound cartons, of coffee, remaining unsold in the original unbroken packages at Petersburg, Va., alleging that the article had been shipped on or about January 15 and January 28, 1914, and transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipping containers were branded, in part: "Dixie Coffee—A." The retail packages were labeled: "Dixie Brand Roasted Coffee. Dixie Brand sunshine and good drink go together. Dixie gives the sunshine, we the delicious drink in this brand of coffee. We know how good both are. Try our coffee and you will know, too. Guaranteed under the food and drugs act, June 30th, 1906. Serial No. 2490. Dixie Brand is glazed with sugar and dextrine, according to the following formula: Coffee, 99¼, sugar, 00½, dextrine, 00¼. Potter and Young Westside Roasting and Milling Co., Office 96 Water Street New York City. Factory, 191–193–195–197 Van Brunt St. 66–68 Sebring Street, Brooklyn, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted of an excessive amount of rotten and decomposed berries, which mixture had been coated or glazed in such manner as to conceal inferiority.

Misbranding was alleged for the reason that the label of the article implied that it was a coffee of superior quality, when, in fact, examination showed it to be a mixture containing an excessive amount of rotten or decomposed berries, coated or glazed in such manner as to conceal inferiority.

On October 4, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

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4335. Adulteration and misbranding of coffee. U. S. v. 15 Sacks of Coffee. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5607. I. S. No. 8008-h. S. No. 2131.)

On March 4, 1914, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 sacks, each containing 50 pounds, of coffee, remaining unsold in the original unbroken packages at Petersburg, Va., alleging that the product had been shipped on or about January 17, 1914, and transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the sacks was labeled, in part: "Bed Rock Rio —A— * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted of an excessive amount of rotten and decomposed berries, which mixture had been coated or glazed in such manner as to conceal damage and inferiority.

Misbranding was alleged for the reason that the article was labeled "Red Rock Rio," when, in fact, it consisted of a mixture of coffee and decomposed and rotten berries, which had been coated or glazed in such manner as to conceal inferiority.

On October 4, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4336. Misbranding of "Acid Iron Mineral Compound." U. S. * * * v. 180 Bottles * * * "Acid Iron Mineral Compound." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5668. I. S. No. 9605–h. S. No. C–22.)

On April 10, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 180 bottles of a drug designated as "Acid Iron Mineral Compound," remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on February 3, 1914, and transported from the State of Virginia into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that each of the bottles bore a label in words and figures as follows, to wit, "Beware of Imitations. Registered A–I–M Trade-Mark None Genuine Without Our Trade Mark. Acid Iron Mineral. Guaranteed under the Food and Drugs Act of June 30, 1906, No. 1682. For Adults, ½ increasing to 1 teaspoonful in half glass water 3 times a day after meals. Children, smaller dose according to age. Indigestion, Dyspepsia, Kidney Trouble, Liver Complaint, Chronic Diarrhœa, Internal Hemorrhage of the Bowels and Lungs, Epilepsy or Fits, Irregular Menses, Heart Trouble, General Debility, Nervous Prostration, Sick Headache, Rheumatism, Neuralgia, Impure Blood, etc. For Cuts, Wounds, Burns, Bruises, Ground Itch, Poison Oak, Dew Poison, Snake Bites, Bites or Stings of Poisonous Insects, bathe the affected parts with the Mineral. For Old sores, Sore throat, Sore Eyes, Catarrh, Tetter, Eczema, Erysipelas, or any Cutaneous Affection, bathe the affected parts and take as directed above after each meal. For Flux or Cholera Morbus, take a dose after each action of the bowels until relief is obtained. For Colic, one dose, repeat in half hour if necessary. For Piles, take dose after meals for several days, then use an injection or apply with soft cloth or sponge ½ Mineral and ½ warm water each day before retiring for 3 days, after which, use Mineral water pure until relief is obtained. Price, 50 Cts. Distributed by Acid Iron Mineral Co. Salem, Va.," which said label was false and misleading, and the statement contained in the label regarding the curative effect of said drug product was false and fraudulent, in that the label aforesaid purported to state that the drug product was a specific for indigestion, dyspepsia, kidney trouble, liver complaint, chronic diarrhea, internal hemorrhage of the bowels and lungs, epilepsy or fits, irregular menses, heart trouble, general debility, nervous prostration, sick headache, rheumatism, neuralgia, impure blood, etc., whereas, in truth and in fact, it was not. Misbranding was alleged for the further reason that the carton inclosing the bottle bore a label in words and figures as follows, to wit, "Acid Iron Mineral Compound Registered A–I–M Trade-Mark. Distributed by Acid Iron Mineral Co. Salem, Va. Nature's Great Household Remedy, A Concentrated Mineral Water Strengthened with Magnesium Sulphate (Already Present In Small Quantities) Beware of Imitations. Its immense popularity has caused unscrupulous persons to try to imitate it. None genuine without registered trade mark A–I–M upon each bottle. Its Merits and Curative Powers have proven more than words can tell. Guaranteed when directions are followed to give relief. It is a valuable aid in bringing back the color, in strengthening and invigorating the system, and in digesting the food. Valuable in any stomach or bowel trouble. It is a household necessity. Price, 50 Cents. Acid Iron Mineral Compound Guaranteed under the Food and Drug Acts of June 30, 1906. No. 1682. It Is Not A Patent Medicine. It is like a Spring of Mineral Water at your door, that can be used in the privacy of your own home at a small expense. We con-

sider its curative powers equal if not surpassing any mineral spring in our country for the alleviation of many different diseases, with which the human family is burdened. It is so concentrated that ½ to one teaspoonful in a half glass of water is a dose, and very often a few bottles will relieve a chronic disease of many years standing. We Make The Following Proposition To All. 1st.—In case of Cuts, if Acid Iron Mineral Compound is applied as directed and fails to stop the flow of blood, we will pay your physician if one must be called. 2nd.—In case of Flux or Cholera Morbus, if Acid Iron Mineral Compound fails to relieve when used as directed, we will pay your physician, if one must be called and patient is relieved. 3rd.—In case of Sore Throat or Diphtheria, if you use Acid Iron Mineral Compound according to directions and receive no benefit, we will refund your money. 4th.—Any lady using Acid Iron Mineral Compound for Female Weakness or for the disease peculiar to women, when used according to directions and receives no benefit after using one-half bottle, return it, and we will refund the money. Price, 50 Cents. Stops Blood From Cuts And Heals Sores. Relieves Indigestion, Dyspepsia and Kidney Trouble, Liver Complaints, Rheumatism, Chronic Diarrhœa, Irregular Menses, Flux, Cholera Morbus, Impure Blood or General Debility, Cuts, Wounds, Sores, Burns, Bruises, Ground Itch, Poison Oak, Dew Poison, Sore Throat, Catarrh, Syphilis, Sore Legs, Tetter, Eczema, Erysipelas or any Cutaneous Affections, Piles. A Physician Testifies To Its Wonderful Value. I have used Acid Iron Mineral Comp. in my practice for nearly five years. I have thoroughly experimented with it, and find it has no equal as a Nervine, Blood Purifier and Liver Medicine. Nothing surpasses it in the treatment of Indigestion, Dyspepsia, Diarrhœa, Flux, Cutaneous Diseases, Chronic Diseases—especially Female Complaints, Diseases of the Genative Organs—Male or Female. For Prolapsus and Irregular Menses nothing can compete with it. It stands as an antidote against half the diseases of the human family. Dr. R. C. Johnson, Stringer, Miss.," which said statements borne upon the cartons surrounding the bottles were false and misleading, and which said statements regarding the curative effect of said drug product were false and fraudulent, in that the statements aforesaid represented to the purchaser that the drug product would relieve indigestion, dyspepsia, kidney trouble, liver complaints, rheumatism, chronic diarrhea, irregular menses, flux, cholera morbus, impure blood or general debility, cuts, wounds, sores, burns, bruises, ground itch, poison oak, dew poison, sore throat, catarrh, syphilis, sore legs, tetter, eczema, erysipelas or any cutaneous affections, and piles, whereas, in truth and in fact, it would not. Misbranding was alleged for the further reason that the circular contained in the cartons bore, among others, the following statements, to wit, "Acid Iron Mineral News (Sixteen Years of Unprecedented Growth) Vol. 16 Salem, Virginia, 1913 4 Pages Acid Iron Mineral (A Concentrated Mineral Water) Registered A–I–M Trade Mark Imitations Are Trying to be Sold Beware of them. None Genuine Without This Trade Mark. This wonderful rememdy is extracted from a most remarkable mineral deposit, which is owned by the Acid Iron Mineral Co., Inc., Salem, Va. And there is nothing else like it in the world. * * * Ready to replace the waste of the human system, restoring the youthful color to the face, warding off old age and renewing all lost vitality by restoring the blood to its rich, healthy, youthful state. It is also the greatest germicide known, being the most powerful agent known to the medical science in curing all germ diseases, such as typhoid fever, appendicitis, pellagra, and Bright's Disease, also indigestion, dyspepsia and all stomach and bowel trouble. And is a positive preventive for most all germ diseases. It also cures old sores, cuts, burns and all skin diseases. It being the greatest healer known when applied as a liniment. * * * We have thousands of unsolicited testimonials

from persons stating that A–I–M has cured the diseases heretofore mentioned. As well as rheumatism, cancers, dropsy and all diseases that are considered incurable. * * * It is the only thing of its kind in the world, being an extract it contains over sixty times more medicinal value than any of the noted mineral waters. And its great curative power should be classed as the eighth wonder of the world. Taken internally it cures indigestion, dyspepsia, headache, cholera morbus, catarrh, diarrhœa, colic and all bowel, liver and kidney trouble. * * * For the cure of female diseases it stands without a rival and is an absolute cure for piles. It is the greatest remedy yet discovered for the various kinds of Rheumatism and uric acid troubles. A–I–M will cure Indigestion and purify the blood therefore it will cure three-fourths of human ills. * * * It cures chicken and hog cholera, bloody murian, black leg in cattle, scratches and galls on horses. * * * A–I–M Cures Indigestion And Consumption," which said statements were false and misleading, and which said statements regarding the curative effect of said drug product were false and fraudulent, in that said statements represented to the purchaser that the drug product would cure all germ diseases, such as typhoid fever, appendicitis, pellagra, Bright's disease, also indigestion, dyspepsia, rheumatism, cancer, dropsy, headache, cholera morbus, catarrh, diarrhea, colic, all bowel, liver, and kidney trouble, consumption, piles, flux, chicken and hog cholera, bloody murrain, blackleg in cattle, scratches and galls on horses, and all diseases that are considered incurable, whereas, in truth and in fact, it would not.

On November 10, 1915, an appearance that had theretofore been entered having been withdrawn, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4337. Misbranding of "A-I-M Cough Syrup." U. S. * * * v. 144 Bottles * * * "A-I-M Cough Syrup." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5672. I. S. No. 9606-h. S. No. C-23.)

On April 10, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 144 bottles of a drug product, designated as "A-I-M Cough Syrup," remaining unsold in the original unbroken packages at Chicago, Ill., alleging the product had been shipped on February 20, 1914, and transported from the State of Virginia into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act.

Misbranding was alleged in the libel for the reason that each of the bottles bore a label in words and figures, as follows, to wit: "C A-I-M S A-I-M Cough Syrup Contains Syrup of Tar, Menthol, and other valuable drugs combined with Acid Iron Mineral Directions Adults dose, a teaspoonful every two or three hours or after severe coughing spell. For children 1-4 to 1-2 teaspoonful according to age. Guaranteed under Food and Drugs Act of June 30, 1906; No. 1682. Price 25 Cents Prepared By Acid Iron Mineral Co. Salem, Va.," and each of the circulars with the bottles bore, among other things, the following statements, to wit, "Acid Iron Mineral News (Sixteen Years of Unprecedented Growth) Vol. 16. Salem, Virginia, 1913 4 Pages A-I-M Cough Syrup Just as the water was rendered more effective in removing the grease by the addition of potash, so Acid Iron Mineral by the addition of heroin, tar and other beneficial drugs is made very effective in curing coughs, colds and all throat and lung troubles. Price 25 cents per bottle. A-I-M Cough Syrup A Combination Of Tar, Heroin, Ammonia And Glycerine With Acid Iron Mineral And Menthol Quickly cures Coughs, Colds and Sore Throat. Very beneficial in the treatment of Diphtheria and Scarlet Fever. Prepared Only By Acid Iron Mineral Co., Inc. Salem, Virginia. Price 25 Cents per Bottle," which said labels were false and misleading, and which said statements in the circulars were false and misleading, in that the drug product was composed [in part] of an ingredient known as heroin and that neither the quantity nor the proportion of said ingredient was declared upon said labels or in said circulars. Misbranding was alleged for the further reason that said statements in the circulars were false and misleading, and that said statements in the circulars regarding the curative effect of the drug product were false and fraudulent, in that said statements represented to the purchaser that the drug product would quickly cure coughs, colds, and sore throat, and was very beneficial in the treatment of diphtheria and scarlet fever, whereas, in truth and in fact, it would not quickly cure coughs, colds, and sore throats, and was not very beneficial in the treatment of diphtheria and scarlet fever. Misbranding was alleged for the further reason that each of the cartons bore a label in words and figures, as follows, to wit, "C A-I-M S Trade Mark A-I-M Cough Syrup Contains Syrup of Tar, Menthol, Honey, Heroin and other valuable drugs combined with Acid Iron Mineral. Directions Adults dose, a teaspoonfull every two or three hrs. or after severe coughing spell. For children 1-4 to 1-2 teaspoonful according to age. Guaranteed under Food & Drugs Act of June 30th, 1906. No. 1682 Price 25 Cents Each fluid ounce contains 1-8 grain Heroin Prepared By Acid Iron Mineral Co. Inc. Salem, Virginia," which statements on the labels of the cartons did not include a statement of the quantity or proportion of one of the ingredients of the drug product known as heroin printed from type equivalent in size to 8-point (brevier) capitals, in accordance with the provisions of paragraph

(c) of Regulation 17 of the Rules and Regulations adopted on the 17th day of October, A. D. 1906, as amended by Food Inspection Decision 84, adopted by the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor, on the 31st day of January, A. D. 1910, in the enforcement of the act of Congress aforesaid and the provisions of paragraph (b) of Regulation 28 of the Rules and Regulations adopted on the 17th day of October, A. D. 1906, as amended by Food Inspection Decision 112, adopted by the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor, on the 6th day of January, A. D. 1910, for the enforcement of the act of Congress aforesaid, but said statements on the label did include a statement of the quantity and proportion of heroin contained in each of the bottles printed from type smaller in size than 8-point (brevier) capitals, when the size of the carton inclosing the bottle would permit a statement on the label of the quantity and proportion of heroin printed from type equivalent in size to 8-point (brevier) capitals.

On November 10, 1915, an appearance that had theretofore been entered having been withdrawn, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4338. **Adulteration and misbranding of canned peas. U. S. * * * v. 5 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5674. I. S. No. 6452–h. S. No. E–27.)

On April 10, 1914, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 100 cans, of peas, remaining unsold in the original unbroken packages at Augusta, Ga., alleging that the article had been shipped on or about November 15, 1913, and transported from the State of New York into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that copper, a poisonous and deleterious ingredient, was added to, and contained in, said cans of peas, which might render them injurious to health.

Misbranding was alleged for the reason that the labels on the cans pronounced that each of the retail packages contained 7⅞ ounces, when, in truth and in fact, each of the packages was 11–46/100 per cent short in weight.

On November 23, 1915, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4339. Adulteration of sugared feed. U. S. v. 380 Sacks of U. S. Sugared Feed, so called. Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5675. I. S. No. 20120–h. S. No. E–21.)

On April 6, 1914, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 380 sacks of so-called sugared feed, remaining unsold in the original unbroken packages at Holmesville, N. Y., alleging that the product had been shipped on or about November 13, 1913, and transported from the State of Illinois into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "100 lbs. 15 to 16% Protein. 3% Fat. 12% Fibre. 45% Carbohydrates. U. S. Sugared Feed. United States Sugar Feed Co., Distributors, Milwaukee, Wis. U. S. A." (Back of sacks) "100 lbs. U. S. Sugared Feed Average Analysis: Protein 15 to 16%. Fat 3%. Carbohydrates 45%. Fibre 12%. Composed of Cotton seed meal, Malt Sprouts, Oat Clips, Molasses, salt and ground mixed broken grains, from screenings containing corn, oats, barley and wheat. Manufactured for United States Sugar Feed Co., Milwaukee, Wis."

The report of this department recommended seizure of the product, not on the ground that it was adulterated in any respect, but solely on the ground that it was misbranded, in that it was found upon examination to contain less protein and fat and more fiber than were declared upon the labels.

Adulteration of the product was alleged in the libel for the reason that it contained less protein and fat and more fiber than were declared upon the labels, and other unwholesome and unfit substances, and was deleterious and injurious to health.

On June 17, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to the Holmesville Feed Co., Holmesville, N. Y., upon payment of the costs of the proceedings and the execution of bond in the sum of $600, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4340. Misbranding of Sulzberger's high protein tankage. U. S. v. Sulzberger & Sons Co., a corporation. Plea of guilty. Fine, $100 and costs. (F. & D. No. 5700. I. S. No. 27835-e.)

On June 5, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sulzberger & Sons Co., a corporation, doing business at Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on January 22, 1913, from the State of Illinois into the State of Indiana, of a quantity of "Sulzberger's High Protein Tankage" which was misbranded. The article was labeled, in part: (On bag) "100 lbs. Net. (Monogram) S & S Co.—Trade Mark—Sulzberger's High Protein Tankage (Meat Residue Feed)—Guaranteed Analysis:—Pure Protein 60%; Digestible Fat 8%; Bone Building Phosphates 10%; Crude fibre, (Maximum) 1%—Manufactured by Sulzberger & Sons Co.,—Chicago, Kansas City, Oklahoma City." (On tag) "$50 fine for using this tag second time.—No. 4292—100 lbs., Sulzberger & Sons Co. of Chicago, Ill., guarantees this Sulzberger's High Protein Tankage to contain not less than 8% of crude fat, 60.0% of crude protein and to be compounded from the following ingredients: Meat Product."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	6.87
Ether extract (per cent)	6.77
Protein (per cent)	56.41
Crude fiber (per cent)	1.75

Misbranding of the article was alleged in the information for the reason that the statements "Not Less than 8% of crude fat" and "Not less than * * * 60% of crude protein," borne on the tags attached to the bags, and the statement "Guaranteed Analysis * * * Crude fibre, (Maximum) 1%," borne on the bags in which the article was shipped and delivered for shipment, were false and misleading, in that the article did not contain 8 per cent of crude fat and 60 per cent of crude protein, but contained a much less amount of crude fat and crude protein, and in that said article did not contain a maximum amount of 1 per cent of crude fiber, but contained a greater amount of crude fiber.

On February 24, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4341. Adulteration and misbranding of so-called extract of lemon and so-called extract of orange. U. S. v. Home Mail Order Co., a corporation (Lundin & Co., a corporation). Plea of guilty. Fine, $25 and costs. (F. & D. No. 5705. I. S. Nos. 3636–e, 3638–e.)

On November 27, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lundin & Co., a corporation, doing business at Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, under a general guaranty filed with the Secretary of Agriculture that articles of said foods or drugs manufactured, packed, distributed, or sold by said company were not adulterated or misbranded within the meaning of the Food and Drugs Act, on September 13, 1912, from the State of Illinois into the State of Minnesota, of quantities of "Extract of Lemon" and "Extract of Orange," so called, which were adulterated and misbranded. It was further alleged that on July 25, 1912, said company filed with the secretary of the State of Illinois a certificate of change in name of the corporation known as Lundin & Co., from said name to Home Mail Order Co., and that said Home Mail Order Co., a corporation, became amenable to the prosecutions, fines, and penalties which would, but for the guaranty aforesaid and the certificate of change of name of Lundin & Co., a corporation, attach in due course to said Lundin & Co., a corporation.

Analysis of a sample of the "Extract of Lemon" by the Bureau of Chemistry of this department showed the following results:

Specific gravity at 15.6° C	0.9177
Alcohol (per cent by volume)	57.3
Methyl alcohol: Absent.	
Oil (per cent by volume)	0.04
Citral (per cent by weight)	0.16
Total aldehydes (per cent by weight)	0.19
Color: Very light, natural.	
A terpeneless extract.	

Analysis of a sample of the "Extract of Orange" by said Bureau of Chemistry showed the following results:

Specific gravity at 15.6° C	0.9011
Alcohol (per cent by volume)	64.2
Methyl alcohol: Absent.	
Oil (per cent by volume)	0.8
Citral (per cent by weight)	0.05
Total aldehydes (per cent by weight)	0.09
Color: Natural.	
A terpeneless extract.	

Adulteration of the articles was alleged in the information for the reason that when they were so shipped and delivered for shipment, as aforesaid, a certain substance, to wit, a terpeneless extract of lemon (or a terpeneless extract of orange, in the case of the orange product), had been mixed and packed with the article of food aforesaid, so as to reduce, lower, and injuriously affect its quality and strength, and, further, in that a certain substance, to wit, a terpeneless extract of lemon (or a terpeneless extract of orange, in the case of the orange product), had been substituted in part for the genuine, full-strength extract of lemon (or genuine, full-strength extract of orange, in the case of the orange product) which the articles of food aforesaid, respectively, purported to be.

Misbranding of the articles was alleged for the reason that each of the cartons containing the bottles bore a label in words and figures as follows, to wit:

(On carton) "Extract of Lemon for Flavoring Cakes, Custards, Sauces, Jellies, Syrups, Blanc Mange, Ice Cream, Etc. 1–½ Ounces Net. Lundin & Co.'s Flavoring Extracts. Guaranteed by Lundin & Co. under the Food and Drugs Act, June 30, 1906, Serial No. 1224. They are warranted free from the poisonous oils and acids which enter into the composition of many of the fictitious fruit flavors now on the market. Prepared by Lundin & Co., 2443–7 W. Kinzie St. Chicago, Ill." (On sides) "These extracts are guaranteed Absolutely Pure Fruit Products. These extracts are Pure Fruit Products and therefore have the Natural Fruit Flavor." (On bottle) "Extract of Lemon for Flavoring Custards, Cakes, Sauces, Ice Cream, Jellies, Syrups, Etc. Made from Pure Food Products. Contains 60 per cent Alcohol. One and One-Half Ounces Full Measure. Prepared by Lundin & Co. 2443–45–47 W. Kinzie Street, Chicago, Ill.;" in the case of the "Extract of Orange": (On carton) "Extract of Orange for Flavoring Cakes, Custards, Sauces, Jellies, Syrups, Blanc Mange, Ice Cream, Etc. 1–½ Ounces Net. Lundin & Co.'s Flavoring Extracts. Guaranty Legend, Serial No. 1224. They are warranted free from the poisonous oils and acids which enter into the composition of many of the fictitious fruit flavors now on the market. Prepared by Lundin & Co., 2443–7 W. Kinzie St. Chicago, Ill." (On sides) "These Extracts are guaranteed Absolutely Pure Fruit Products. These Extracts are Pure Fruit Products and therefore have the Natural Fruit Flavor." (On bottle) "Extract of Orange for Flavoring Custards, Cakes, Sauces, Ice Cream, Jellies, Syrups. Etc. Made from Pure Food Products Contains 60 Per Cent Alcohol. One and one-half Ounces Full Measure. Prepared by Lundin & Co. 2443–45–47 W. Kinzie Street, Chicago, Ill.;" which said labels were misbranded in that the statement therein, to wit, "Extract of Lemon" (or "Extract of Orange" in the case of the orange product), was false and misleading in that it purported and represented said article to be a genuine, full-strength extract of lemon (or extract of orange, in the case of the orange product), whereas, in truth and in fact, it was not a genuine, full-strength extract of lemon (or extract of orange, in the case of the orange product), but was a terpeneless extract of lemon (or terpeneless extract of orange, in the case of the orange product).

On December 17, 1915, the Home Mail Order Co., a corporation, having entered a plea of guilty to the information, the court, on January 4, 1916, imposed a fine of $25 and costs. On January 14, 1916, an order of nolle prosequi to the information was entered in the case against Lundin & Co.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4342. Adulteration and misbranding of so-called oil of lemon. U. S. * * * v. Sethness Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 5729. I. S. No. 6417–e.)

On July 11, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sethness Co., a corporation, of Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 13, 1913, from the State of Illinois into the State of Louisiana, of a quantity of "Oil of Lemon" which was adulterated and misbranded. The article was labeled, in part: (On copper) "Standard Quality Oil of Lemon Cosco Trade Mark Optical Rotation at 15°——Net weight 25 lbs. Guaranteed under the Food and Drugs Act of June 30th, 1906, by Sethness Company, Chicago." (On shipping package) (Front) "Lemon Oil Net lbs. 25." (Back) "Messina, Italy From Sethness Company Essential Oils Chicago."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity at 15.6° C	0.8605
Index of refraction at 20° C	1.4739
Rotation at 20° C	59.0
Citral (Hiltner) (per cent by weight)	3.12
Total aldehydes (Chace) (per cent by weight)	3.20
Physical constants of 10 per cent distillate:	
Rotation, 20° C	58.2
Index of refraction, 20° C	1.4726

Citral has been partially removed.

Adulteration of the article was alleged in the information for the reason that another substance, to wit, an oil of lemon, from which citral and other flavoring compounds had been in part abstracted, was mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that said substance was substituted wholly or in part for genuine oil of lemon, which the article purported to be. Adulteration was alleged for the further reason that valuable constituents of the article, to wit, citral and other flavoring compounds, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Standard Quality Oil of Lemon" borne on the label of the article was false and misleading, in that it purported and represented the article to be a genuine oil of lemon, whereas, in truth and in fact, it was not a genuine oil of lemon, but was an oil of lemon from which citral and other flavoring compounds had been in part abstracted.

On December 4, 1915, the defendant company entered a plea of guilty to the information, and on December 10, 1915, the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4343. Misbranding of "Bloodine Blood and Kidney Tablets," "Checkers," and "To-Ni-Ta." U. S. * * * v. 222 Boxes of Tablets of Bloodine, 48 Bottles of Checkers, and 158 Bottles of To-Ni-Ta. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5739. I. S. Nos. 8649–h, 8650–h, 8651–h. S. No. C–44.)

On June 5, 1914, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 222 boxes of tablets known as "Bloodine," 48 bottles of a preparation known as "Checkers," and 158 bottles of a preparation known as "To-Ni-Ta," remaining unsold in the original unbroken packages at Phœnix City, Ala., alleging that the product had been shipped on October 20, 1913, and transported from the State of Maryland into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended. The bottles of "Bloodine" were labeled: "Bloodine—Blood and Kidney Tablets—For all Kidney, Liver, Bladder and Blood Diseases, Bright's Disease, Diabetes, Pain in the Back, Sciatica, Gravel, Stone in the Bladder, Nervousness and Nervous Debility. Dose—One to Three Tablets before or after meals. Children one tablet. 50 cents a box, 6 boxes $2.50. Sent by mail on receipt of price. Put up at the laboratories of the Bloodine Corporation, Boston, Mass., U. S. A. Guaranteed by the Bloodine Corp. under the Food & Drugs Act, June 30, 1906. No. 4485–A." The packages or boxes were encased in wrappers which were also labeled as above and had in addition thereto, the following: "Guaranteed by the Manufacturer under the Food & Drugs Act, June 30, 1906. No. 4485—A." On the wrappers and boxes containing said tablets was the following: "For all Kidney, Liver, Bladder and Blood Diseases, Bright's Disease, Diabetes, Pain in the Back, Sciatica, Gravel, Stone in the Bladder, Nervousness and Nervous Debility." On the circulars contained in said boxes was the following: "It will thus be seen how necessary it is to have the kidneys in perfect order, strong and able to perform the work that God intended that they should. It is not for you to fret and mourn when your kidneys are out of order, that is like crying over spilled milk; you should be thankful that there is such a remedy as Bloodine Blood and Kidney Tablets, which can always be relied on to remedy the evil. You should tell your neighbors and friends about it and urge them to take this great cure. As surely as the sun rises and sets they will ultimately be cured. * * * Bloodine Blood & Kidney Tablets go direct to the seat of the trouble. They strengthen the Kidneys and bladder and put new life into them. They revitalize and enrich the stagnant blood and make its course through the system invigorating. There can be no sick kidneys or inflamed bladder when this remedy is used."

It was alleged in the libel that said tablets were misbranded, and said statements on the wrappers, boxes, and in the circulars were false and misleading in that the therapeutic agents in said tablets were methylen blue, hexamethylen-tetramin, and salicylates, and that the said tablets contained no ingredients or combination of ingredients to produce [capable of producing] the therapeutic effect claimed in said wrappers, boxes, and circulars.

The bottles of "Checkers" were labeled: "Checkers The Different Medicine. A guaranteed cure for Stomach, Liver, Kidney, Nerve and Blood Diseases—which of course include these common types; Acute or Chronic Catarrh, Consumption, Bronchitis, Coughs, Colds, Neuralgia, Dyspepsia, Heart Disease, Loss of Appetite, Indigestion, Malaria, Chills and Fever, Nervousness and General Debility. Unexcelled for All Known Female Complaints and particularly efficacious in the up-building of Run-down, Depressed, Weakened and Diseased Systems traceable to an impoverished condition of the Nerves,

Brain Blood and Muscles. Checkers will make you new all over—embraces a new medical principle. Acts on every vital organ. No diseased spot can escape its searching action. Directions: Dose for Adults: A tablespoonful three times a day before meals; or, as often as required. Ladies and Delicate persons should always commence with a teaspoonful three times a day before meals, and gradually increase to the dose best suited to their condition. Compounded and Put up Under the Original Formula in U. S. by Checkers Medicine Co., in their Laboratory, Winston-Salem, N. C. The System Renovator. Checkers Makes People New All Over. Dr. Checkers of Austria, the originator of this new medical idea of a medicine that should act on every organ of the body, touch every part of it, so there would be no question but that the diseased organ or part should always be acted upon, worked for years on this formula. It was not only to get the best and most powerful ingredient for each organ, but to have a perfect balanced formula in which all the ingredients would act in harmony. The result is the most remarkable remedy of recent times. It cures beyond a question of doubt; Liver and Kidney Diseases, Bowel and Stomach Troubles, Catarrh and all Blood and Nerve Diseases. It does this because it goes to every part of the body, because it always touches the diseased spot. It cures cases that have resisted all other remedies because other remedies have failed to touch the spot. Checkers always finds the diseased spot. One feels the effect of this Magic Remedy after the first dose. Wherever there is any irregularity, sluggishness, any disease, the searching action of Checkers finds it, begins at once to correct the trouble and feelings of renewed strength and health immediately follow. It is the greatest rejuvenator, vitalizer, health and strength giving medicine of the age. So certain are we as to the results obtainable through the curative powers of this wonderful medicine that we agree to refund the purchase price where it has been given a faithful trial and perfectly satisfactory results have not been obtained. Checkers Medicine Co., Winston-Salem, N. C." In the circulars accompanying said bottles appeared the following: "The Different Medicine—A guaranteed cure for Stomach, Liver, Kidney, Nerve and Blood Diseases—which of course includes these common types; Acute or Chronic Catarrh, Consumption, Bronchitis, Coughs, Colds, Neuralgia, Dyspepsia, Heart Disease, Loss of Appetite, Indigestion, Malaria, Chills and Fever, Nervousness and General Debility; Unexcelled for all Known Female Complaints and particular efficacious in the upbuilding of Run-down, Depressed, Weakened, and Diseased Systems traceable to an impoverished condition of the Nerves, Brain, Blood and Muscles. Checkers will make you new all over—embraces a new medical principle. Acts on very vital organ. No diseased spot can escape its searching action." "Dr. Checkers of Austria, the originator of this new medical idea of a medicine that should act on every organ of the body, touch every part of it, so there would be no question but that the diseased organ or part should always be acted upon, worked for years on this formula. It was not only to get the best and most powerful ingredient for each organ, but to have a perfect balanced formula in which all the ingredients would act in harmony. The result was the most remarkable remedy of recent times. It cures beyond a question of doubt Liver and Kidney diseases, Bowel and Stomach troubles, Catarrh and all Blood and Nerve Diseases. It does this because it goes to every part of the body, because it must always touch the diseased spot. It cures cases that have resisted all other remedies because other remedies have failed to touch the spot. Checkers always finds the diseased spot. One feels the effect of this Magic Remedy after the first dose. Wherever there is any irregularity, sluggishness, any disease, the searching action of Checkers finds it, begins at

once to correct the trouble and feelings of renewed strength and health immediately follow. It is the Greatest Rejuvenator, Vitalizer, Health and Strength Giving Medicine of the Age. So certain are we as to the results obtainable through the curative powers of this wonderful medicine, that we agree to refund the purchase price where it has been given a faithful trial and perfectly satisfactory results have not been obtained." "Makes People New All Over." "The System Renovator * * * checks Consumption * * *." "At last we have something new! At last we have a medicine Checkers which will check that 'checkered' feeling—so formulated it cures disease that all other remedies or treatment failed to affect. In nine-tenths of the cases treatment fails because the medicine does not hit the diseased spot. Treating symptoms are misleading, you may hit on the right things, more often you may not! Checkers is founded on the most common sense principle in the world. In its formula is embraced an active, powerful ingredient for every one of the great vital organs of the body. Swallow Checkers and there isn't a portion of your body that it does not touch, that it does not stimulate, regulate, that it does not bring increased vitality and action into. Don't you see that a medicine so formulated must hit the diseased spot? Checkers cures disease where others fail—because it touches the spot. Other medicines guess. Checkers acts on every vital organ, searches the human body—no disease can escape it. The secret of its marvelous action is because it finds the diseased spot and therefore a cure is comparatively easy. If you take into your system Checkers you have found a medicine that acts on every single one of the great vital organs, a medicine which will correct every irregularity in every one of them, consequently it must find the disease and a cure will result. It is on this new scientific principle that Checkers is founded and it will cure cases that have resisted all other treatment, because the symptoms were misleading—the other treatment has been directed at a certain set of symptoms, and the treatment failed to find the spot." "Checkers will find out what's wrong—it is the greatest 'every month in the year' medicine in the world today—the greatest producer of Vigor, Vitality, Appetite, Good Feeling and Good Appearance,—Because it puts every part of the body in good health." "If you suffer from any chronic disease—get a bottle of Checkers at once and commence using it."

It was alleged in the libel that said statements were false and misleading, and said drug was misbranded in that it contained no ingredient or combination of ingredients to produce [capable of producing] the therapeutic effect claimed in said statements. It was alleged that the drug was further misbranded in that the labels on the bottles failed to bear a statement of the quantity or proportion of alcohol contained therein.

The bottles of "To-Ni-Ta" were labeled: "To-Ni-Ta Trade Mark Mucous Membrane Bitters. A Gentle, Invigorating Tonic and Stimulant for Body, Brain, and Nerve. To-Ni-Ta has been prescribed successfully for fifteen years by Dr. Lorentz, the great specialist on diseases of the lungs, throat, stomach, blood, and nerves. To-Ni-Ta is an absolutely pure, safe, and reliable combination of the vital principles of the most powerful tonic and healing herbs known to medicine, and contains no opiates or other dangerous ingredients. The marvelous curative properties of To-Ni-Ta are largely due to the special process by which the active medicinal principles are extracted from each herb, and the scientific manner in which they have been united. Every organ of the human body is either lined with or covered by a mucous membrane, which is so delicate and sensitive that nearly every disease begins in the membrane. To-Ni-Ta acts directly on the mucous membrane imparting health and elasticity,

giving it power to resist and throw off disease. This explains why To-Ni-Ta is an absolute cure for so many diseases. To-Ni-Ta is prescribed and recommended by leading doctors, and used in prominent hospitals throughout the world as a positive cure for Consumption, Bronchitis, Quinsy, Coughs, Colds, Influenza, La Grippe, Catarrh, Neuralgia, Sciatica, Heart Disease, Liver Disease, Kidney Disease, Disease of the Rectum, Disease of the Pancreas, Appendicitis, Colitis, Piles, Dyspepsia, Indigestion, Loss of Appetite, Malaria, Intermittent Fever, Anaemia, Disease of the Blood, Sleeplessness, Nervousness, Female Complaints, Irregular, Painful, or Suppressed Menstruation, Sexual Weakness, and for All Run-Down, Depressed, Weakened, and Diseased Conditions of the Nerves, Brain, Blood, and Muscles. Dose: Adults: A tablespoonful three times a day before meals, or as often as required. Children and Delicate Women: A teaspoonful three times a day. The Lorentz Medical Co., New York—$1.00 a bottle."

It was alleged in the libel that said statements on the labels were false and misleading, and that said drug was misbranded, in that the use of the words "Mucous Membrane Bitters" and "To-Ni-Ta acts directly on the mucous membrane imparting health and elasticity, giving it power to resist and throw off disease" indicated that the product was of value in the treatment of diseases of the mucous membrane, when, as a matter of fact, it was of no value in the treatment of such diseases. It was further alleged that the product was misbranded in that the labels on the bottles failed to bear a statement of the quantity or proportion of alcohol contained therein.

On November 3, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

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4. Adulteration and misbranding of sorghum. U. S. v. The Castleman-Blakemore Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 5772. I. S. No. 10479–c.)

n February 19, 1915, the United States attorney for the Western District Kentucky, acting upon a report by the Secretary of Agriculture, filed in District Court of the United States for said district an information against the Castleman-Blakemore Co., a corporation, Louisville, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 22, 1912, from the State of Kentucky into the State of Texas, of a quantity of sorghum which was adulterated and misbranded. The article was labeled: (On can) "Old Mill Brand Pure Country Sorghum. From the Old Fashion Country Mill to the Breakfast Table. Packed by Torbitt & Castleman Branch of Jones Bros. Castleman & Blakemore Incorporated Louisville, Ky." (On shipping package) "12 5s Old Mill Brand Pure Country Sorghum. Packed by Torbitt & Castleman Branch, Louisville, Ky."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Sucrose (Clerget) (per cent)	27.9
Glucose (factor 163) (per cent)	19.6
Polarization, direct 20° C. (°V)	+53.0
Polarization, invert 20° C. (°V)	+16.0
Polarization, 87° C. (°V)	+32.0
Reducing sugars, as invert, before inversion (per cent)	31.15
Reducing sugars, as invert, after inversion (per cent)	62.23
Lead number (Winton)	11.72
Ash (per cent)	3.28
Water (per cent)	23.2

Article is not a genuine sorghum but a sorghum containing at least 10 per cent added glucose.

Adulteration of the article was alleged in the information for the reason that another substance, to wit, commercial glucose, had been substituted in part for pure country sorghum, which the article purported to be.

Misbranding was alleged for the reason that the statement "Pure Country Sorghum" borne on the label was false and misleading, in that it purported and represented said article to be a genuine sorghum, and deceived and misled the purchaser into the belief that it was a genuine sorghum, whereas, in truth and in fact, it was not a genuine sorghum, but was a mixture of commercial glucose and sorghum.

On October 11, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4345. Adulteration and misbranding of apple brandy. U. S. v. Edelman Distillery Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 5792. I. S. No. 9593–e.)

On November 12, 1915, the grand jurors of the United States, within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned indictment against the Edelman Distilley Co., a corporation, Evansville, Ind., charging shipment by said company, in violation of the Food and Drugs Act, on May 21, 1913, from the State of Indiana into the State of Tennessee, of a quantity of apple brandy which was adulterated and misbranded. The article was labeled, in part: (On barrel) "Apple Brandy Edelman Distillery Co., Evansville, Ind."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed in parts per 100,000 of 100 proof alcohol, unless otherwise noted:

Proof (degrees)	87.3
Solids	38.2
Total acids, as acetic	11.0
Esters, as acetic	24.2
Aldehydes, as acetic	3.2
Furfural	0.3
Fusel oil (A. & M. method)	17.1
Color (degrees, Lovibond, in ½-inch cell)	2.9
Color insoluble in amyl alcohol (per cent)	60.0

Adulteration of the article was charged in the indictment for the reason that alcohol had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and that alcohol had been substituted wholly or in part for true apple brandy, which the article purported to be, and that it was artificially colored in a manner whereby its inferiority was concealed.

Misbranding was charged for the reason that the statement "Apple Brandy," borne on the barrel containing the product, was false and misleading in that said product was not a true apple brandy, but was in part an imitation apple brandy artificially colored, and said statement "Apple Brandy" was calculated to mislead and deceive the purchaser into the belief that the product was a true apple brandy, whereas it was not a true apple brandy, but was in part an imitation apple brandy artificially colored.

On November 29, 1915, the defendant company entered a plea of guilty to the indictment, and the court imposed a fine of $50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4346. Adulteration and misbranding of oil cassia. U. S. * * * v. Hilker & Bletsch Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 5820. I. S. No. 7868–e.)

On June 11, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hilker & Bletsch Co., a corporation, doing business at Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 6, 1913, from the State of Illinois into the State of Colorado, of a quantity of oil cassia, which was adulterated and misbranded. The article was labeled: "Oil Cassia" (Guaranty Legend) "Serial No. 3305. Hilker & Bletsch Company, Manufacturers of Flavoring Extracts and Importers of Essential Oils. Chicago Cincinnati."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Cinnamic aldehyde	(per cent)	77.0
Specific gravity at 25° C		1.063
Solids (by drying)	(per cent)	20.97
Acid number of original oil		26.9
Rosin (Liebermann-Storch test): Strongly positive.		
Alcoholic lead acetate: Heavy precipitate.		
Refractive index at 26° C		1.5942
Polariscope reading in 100 mm. tube at 28° C.:		+6.8 angular degrees.
Iodin number		33.39

Adulteration of the article, considered as a drug, was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation, in these particulars, to wit: The specific gravity of said drug at 25° C. was above 1.055, and was in fact 1.063, whereas said Pharmacopœia provides as a test for oil of cassia that a specific gravity at 25° C. shall be between 1.045 and 1.055; and that the rotation of said drug was more than one degree and was in fact plus 6.8°, whereas said Pharmacopœia provides that the rotation of said drug shall not be more than one degree, and further that said drug contained rosin, which is not an ingredient of oil of cassia as determined by the tests laid down in said Pharmacopœia.

Misbranding of the article, considered as a drug, was alleged for the reason that the statement "Oil of Cassia," borne on the label, was false and misleading, in that it purported and represented that the drug was a pure oil of cassia, which said drug is well known to be a drug distilled from cassia cinnamon and entirely free from rosin, whereas, in truth and in fact, said drug was not a pure oil of cassia, but was an oil of cassia which contained rosin.

Adulteration of the article, considered as a food, was alleged for the reason that a substance, to wit, rosin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for genuine oil of cassia which the article purported to be.

Misbranding of the article, considered as a food, was alleged for the reason that the statement "Oil of Cassia," borne on the label, was false and misleading, in that it represented and purported the article to be a genuine oil of cassia, whereas, in truth and in fact, it was not, but was a mixture composed of oil of cassia and rosin. Misbranding was alleged for the further reason that

the article was labeled "Oil Cassia," so as to mislead and deceive the purchaser into the belief that it was a genuine oil of cassia, whereas, in truth and in fact, it was not, but was a mixture composed of oil of cassia and rosin.

On July 14, 1915, the defendant company entered a plea of guilty to the information, and on December 10, 1915, the court imposed a fine of $50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4347. Misbranding of "Schumacher Calf Meal." U. S. * * * v. The Quaker Oats Co., a corporation. Plea of guilty. Fine, $100 and costs. (F. & D. No. 5823. I. S. No. 27839–e.)

On June 11, 1915, the United States attorney for the northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Quaker Oats Co., a corporation, doing business at Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 6, 1913, from the State of Illinois into the State of Indiana, of a quantity of "Schumacher Calf Meal" which was misbranded. The article was labeled: (Tag on retail package) "No. 3288 25 lbs. The Quaker Oats Co., Chicago, Ill. Guarantees this Schumacher Calf Meal to contain not less than 8% crude fat, 19% crude protein and to be compounded from the following ingredients: Oat meal, wheat meal, flax seed and dried milk." (Label printed on cotton sack) "Schumacher Calf Meal for calfs, pigs and poultry mfg. and distrib. The Quaker Oats Co., Chicago, U. S. A." (Reverse side of sack) "Made from oat meal, wheat meal, ground flax seed, and dried casein with not to exceed ½ of 1% bicarbonate of soda. Guaranteed analysis: crude protein 19%, crude fat 8%, crude fiber 3%, carbohydrates (sugar and starch), 54%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	9.25
Ether extract ("crude fat") (per cent)	6.78
Protein (N x 6.25) ("crude protein") (per cent)	16.25

Misbranding of the article was alleged in the information for the reason that the following statements, "8% crude fat, 19% crude protein," appearing on the label, were false and misleading in that they indicated that the article contained 8 per cent crude fat and 19 per cent crude protein, and deceived and misled the purchaser into the belief that it contained 8 per cent crude fat and 19 per cent crude protein, when, in fact, it contained a much less amount of crude fat and crude protein.

On October 19, 1915, the defendant company entered a plea of guilty to the information, and on February 11, 1916, the court imposed a fine of $100 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4348. Alleged misbranding of cottonseed meal. U. S. * * * v. Roberts Cotton Oil Co., a corporation. Tried to the court. Judgment of acquittal. (F. & D. No. 5827. I. S. No. 8004–e.)

On December 5, 1914, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Roberts Cotton Oil Co., a corporation, with its principal place of business at Memphis, Tenn., and a branch office at Cairo, Ill., alleging shipment by said company, in violation of the Foods and Drugs Act, on or about November 25, 1912, from the State of Illinois into the State of New Hampshire, of a quantity of cottonseed meal which was alleged to have been misbranded. The article was labeled, in part: (On tag) "100 pounds Choice Peacock Brand Cotton Seed Meal. * * * Proud of the Quality. Guaranteed Analysis: Nitrogen (equivalent to 8% Ammonia), 6.60%; Protein, 41.00%; Fat, 6.00%; Carbohydrates (Starch, Sugars, etc.), 23.00%; Fibre, 10.00%; Made from fully decorticated cottonseed." (On side of tag) "Stamp Here." (Across label) Design of peacock and also the words "Peacock Brand."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent)	11.56
Nitrogen (per cent)	6.14
Ammonia (N x 1.2158) (per cent)	7.47
Protein (N x 6.25) (per cent)	38.38

Misbranding of the article was alleged in the information for the reason that the following statements, "Nitrogen (equivalent to 8% Ammonia), 6.60%; Protein, 41.00%; * * * Fibre, 10.00%," appearing on the label aforesaid, were false and misleading in that they indicated that the article contained nitrogen (equivalent to 8 per cent ammonia), 6.60 per cent; protein, 41 per cent; and fiber, 10 per cent; when, in fact, the said article contained a less amount of nitrogen and protein and a greater amount of fiber, to wit, nitrogen (equivalent to 7.47 per cent ammonia), 6.14 per cent; protein, 38.38 per cent, and crude fiber, 11.56 per cent. Misbranding was alleged for the further reason that the article was labeled "Nitrogen (equivalent to 8% Ammonia), 6.60%; Protein, 41.00%; * * * Fibre, 10.00%," so as to deceive and mislead the puchaser thereof into the belief that it contained nitrogen (equivalent to 8 per cent ammonia), 6.60 per cent; protein, 41 per cent; fiber, 10 per cent, when, in fact, it contained a less amount of nitrogen and protein and a greater amount of fiber, to wit, nitrogen (equivalent to 7.47 per cent ammonia), 6.14 per cent; protein, 38.38 per cent; and crude fiber, 11.56 per cent.

On October 6, 1915, the defendant company having entered its plea of not guilty to the information, and the case having been tried to the court and argued by counsel the court rendered a judgment of accquital and the defendant company was discharged.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4349. Misbranding of "Dr. Haynes' Arabian Balsam." U. S. v. Lavinia A. Marsh (E. Morgan & Sons). Plea of nolo contendere. Fine, $20. (F. & D. No. 5843. I. S. No. 1410–e.)

On June 22, 1915, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lavinia A. Marsh, trading under the firm name of E. Morgan & Sons, Providence, R. I., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 1, 1913, from the State of Rhode Island into the State of Massachusetts, of a quantity of "Dr. Haynes' Arabian Balsam" which was misbranded. The article was labeled: (On bottle) "Dr. Haynes Arabian Balsam. The most perfect remedy ever known for Burns, Poisoning, Erysipelas, Rheumatism, Pains, and wounds of all Kinds, Swellings, Piles, Corns, Chilblains, Stiff Neck, or Joints, White Swellings, Loss of Motion in Limbs, and internally for Croup, Hoarseness, Bronchitis, Dysentery, Stoppages and Inflammation of the Bowels. As this medicine has been thoroughly tested in the family, no home should be without it. We would suggest to those who purchase that it will be most economical to procure the large bottle, as it contains six times the quantity of the small one, while only four times as much is charged. As the Balsam will keep without receiving injury, no one need fear to buy a large size. None Genuine without the likeness of the Inventor, A. Haynes, M. D. This excellent compound is achieving the most signal triumphs, astonishing many who have occasion to use it by the certainty with which it relieves them of their sufferings. It is believed it has no superior, as a remedy for that class of diseases for which it is prescribed. Those who have tested its efficacy, and best know its great healing virtues, use it in preference to any other medicine, and commend it to their friends. The most excruciating pain is almost instantly relieved by its application, and swellings are readily reduced. Reader, if you have any occasion to use medicine, give it a trial, and prove its efficacy. Directions for Family Use: For Coughs, Colds, Sore Throat, Hoarseness, or Bronchitis, give half a teaspoonful from three to six times a day, in sugar. For Croup, it may be given as often as once in fifteen or twenty minutes, until relieved. Dose, half a teaspoonful or more according to the severity of the case. Bathe the outside of the Throat, after it has been relieved; Use the Balsam occasionally until relief is complete. Do not be afraid to use it. It has relieved hundreds of cases when other means have failed. Whooping Cough give half a teaspoonful once in two to six hours. For Asthma, take a teaspoonful several times a day. For all external complaints, rub the surface freely with the balsam until relieved. For Cuts, Wounds, and Bruises, use the Balsam freely. For Burns or scalds, apply the Balsam as soon as possible; if the skin is off, cover the burned part with fine linen, wet with the Balsam. For Erysipelas and Poisoning, wet the surface with the Balsam as often as it is dry. For Canker in the Mouth, hold some of the Balsam in the mouth several minutes, several times a day, until relieved. For inflammation of the Eye, bathe the outside of the Eyelid, and let some work into the Eye. For Piles, apply externally, and if necessary, use a syringe. For deep-seated pains, bathe thoroughly from four to six times a day; if much inflamed, put on a poultice of pulverized slippery elm, covered with Balsam. Corns—pare them nearly to the quick, and cover them with buckskin saturated with Balsam; to be renewed two or three times a day. Deafness—drop some into the ear. Dysentery or Cholera Morbus—give a teaspoonful once in thirty minutes to one hour; in very severe cases, give a tablespoonful, more or less, according to age. For Diphtheria take one

teaspoonful internally, then warm the Balsam and apply it to the throat freely; take a fine cloth, saturated with the Balsam, heated hot, and apply it to the throat; wet the cloth as often as once in forty minutes; at the same time take a teaspoonful internally. Continue the above directions until permanently relieved. Directions for Animals—For Scratches, Skin Diseases, Bruises, Cuts, Old Sores, Wounds of every description, wash with Castile Soap and Warm Water until perfectly cleansed, and wipe dry before applying the Balsam. When the part affected is exposed to mud or water, sift into it pulverized (maple) charcoal after applying the remedy. For Cracked Heels, Frosted feet, Hoof Rot, Stiff Joints, Sweney Shoulders, Strained Cords and Sprains, use in the same manner as the above except in severe cases; then apply the Balsam warm, taking the necessary precaution not to blister, unless blistering is required. For Colic or Stoppage, give four ounces once in thirty minutes; in severe cases the dose may be increased. For Corns, take the horse to a good blacksmith, order him to pare the corn a little more than he is wont to do. Fill the cavity with the Balsam, and heat it with a hot iron. For Cracked or Shelly feet, apply the Balsam freely. For Quinsy give two ounces, three times a day on the feed, make a poultice of common English Turnip moistened with the Balsam and applied to the throat while it is warm. For Coughs, use in the manner as for Quinsy, omitting the poultice. Serial No. 601. Guaranteed by E. Morgan & Sons, under the Food and Drugs Act, June 30, 1906. Prepared by E. Morgan & Sons, Sole Proprietors, (Successors to J. Miller & Sons) Providence, R. I., U. S. A. Price $1.00. Entered according to Act of Congress, in the year 1859, by A. Haynes, M. D., in the Clerk's Office of the District Court of the District of Massachusetts." (On carton) "Dr. Haynes' Arabian Balsam. None Genuine without the likeness of the inventor, A. Haynes, M. D. Prepared by E. Morgan & Sons Sole Proprietors Successors to J. Miller & Sons, Providence, R. I., U. S. A. Price, $1.00. Entered According to act of Congress, in the year 1859, by A. Haynes, M. D., in the Clerk's Office of the District Court of the District of Massachusetts." (On sides of carton) "Directions: For Burns, Etc., Bathe with the Balsam as soon as possible. For Deep-Seated Pain Bathe thoroughly from three to five times a day. For Internal Soreness or Pains.—Give from half a teaspoonful to a teaspoonful from three to five times a day. For Croup.—It may be given as often as once in ten or fifteen minutes, and applied outside. See directions on circular. Serial No. 601. Guaranteed by E. Morgan & Sons under the Food and Drugs Act June 30, 1906. The most perfect remedy ever known for Burns, Poisoning, Erysipelas, Rheumatism, Pains and Wounds of all Kinds, Swellings, Piles, Corns, Chilblains, Stiff Neck or Joints, White Swellings, Loss of Motion in Limbs, and Internally for Croup, Hoarseness, Bronchitis, Dysentery, Stoppages, and Inflammation of the Bowels." (Additional statements in foreign languages.) The circular and pamphlet accompanying the article included, among other things, the following statements: (On wrapper) "Dr. Haynes Arabian Balsam. To the Public Beware of Counterfeits. None Genuine without the Likeness of the Inventor A. Haynes, M. D. on the label. Serial No. 601. Guaranteed under the Food and Drugs Act June 30, 1906. One of the best medicines ever invented by man for giving perfect and immediate relief in cases of Pain and Inflammation both externally and internally, and safe and certain in its action. For Burns, Poisoning, Erysipelas, Inflammation of the Eyes, Earache, or Deafness, Rheumatism, Pains in the Side, Back, or Shoulders, Ague in the Face or Breast, Wounds of any kind, Chafing, Piles, Chilblains, Corns, Chapped Hands, Stiff Neck, or Joints, Loss of Motion in the Limbs, Sore Lips or Throat, Hoarseness, Croup, Bronchitis, and Hiccoughs, Dysentery, Cholera Morbus, and Inflammation of the Bowels. Full directions on label. P. S.—

Animals often suffer much from want of proper attention when sick. The finest Horse and Cattle are sometimes rendered useless and die simply because those who have the care of them don't know what to do for their relief. In such cases a proper application of this 'Great Remedy' would prevent much suffering and often save life. No stable either public or private should be without it. Price, $1.00 Sold by Druggists, Merchants and Dealers in Medicines Everywhere. Ask for Dr. Haynes' Arabian Balsam and take no other. Prepared by E. Morgan & Sons, Sole Proprietors, (Successors to J. Miller & Sons). Providence, R. I., U. S. A. Entered according to Act of Congress, in the year 1859 by A. Haynes, M. D. in the Clerk's Office of the District Court of the District of Massachusetts." (On circular) "Its effects are no less remarkable in cases of Erysipelas, Rheumatism, Pains in the Back, Neck, or Shoulders, Ague in the Face or Breast, Spinal Affections, White Swellings, loss of motion in Limbs or loss of sight by palsied Nerves, Internal or External Poisoning, Bites or Stings of Snakes or Reptiles, Inflamed Eyes, Earache, Chilblains, Chafing, Chapped Hands or Lips, Corns, Piles, &c."

Analysis of a sample of the article by the Bureau of Chemistry of this de-Hands or Lips, Corns, Piles, &c."

Volatile oils (per cent by volume)	12.5
Cottonseed oil (grams per 100 cc)	77.52
Turpentine	Present
Oil of cumin	Present

This appears to be a mixture of cottonseed oil, turpentine, and oil of cumin.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the labels aforesaid, to wit, (On bottle) "The most perfect remedy ever known for * * * Erysipelas, Rheumatism, *** Piles, *** White Swellings, Loss of Motion in Limbs, and *** for Croup *** Directions *** Deafness—drop some into the ear *** For Diphtheria take one teaspoonful internally *** Continue the above directions until permanently relieved." (On carton) "The most perfect remedy ever known for *** Erysipelas, Rheumatism, *** Piles, *** White Swellings, Loss of Motion in Limb, and *** for Croup ***," and included in the circular or pamphlet aforesaid, to wit, (On circular) "Its effects are no less remarkable in cases of *** loss of sight by Palsied Nerves ***," were false and fraudulent, in that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as the most perfect remedy ever known for erysipelas, rheumatism, piles, white swellings, loss of motion in limbs, and for croup, deafness, and diphtheria, and as a remedy for loss of sight by palsied nerves, whereas, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On January 28, 1916, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $20.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4350. Adulteration and misbranding of "Crystallized Peach & Honey." U. S. v. The Francis Cropper Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 5845. I. S. No. 4932–e.)

On June 5, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Francis Cropper Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on October 8, 1912, from the State of Illinois into the State of Minnesota, of a quantity of "Crystallized Peach & Honey" which was adulterated and misbranded. The article was labeled, in part: (Principal label) "Crystallized Peach & Honey Purity Guaranteed." (Paster on neck of bottle) "Absolutely Pure." (On capsule over cork) "The Francis Cropper Co., Chicago, Ill." (On shipping package) "Peach & Honey Compound 28068–C. M. & St. P.–St. Paul–10–12–12." (On address tag tacked to shipping case) "–12 qts.– From the Francis Cropper Co., Cased Liquors, originators and sole producers of many specialties, 59 Michigan Street, West, Chicago."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

The product consists of a liqueur and rock candy crystals.

Liqueur (grams) 570 (per cent by weight)	59.4
Drained crystals (grams) 390 (per cent by weight)	40.6

Analysis of liqueur.

Alcohol (per cent by volume)	15.3
Reducing sugars, as invert, before inversion (per cent) less than	0.2
Reducing sugars, as invert, after inversion (per cent)	58.1
Sucrose, by copper (per cent)	55.0
Sucrose, Clerget (per cent)	56.8
Solids (per cent)	57.4
Acidity, as acetic, (grams, per 100 cc)	0.03
Polarization, direct, at 20°C. (°V.)	+57.0
Polarization, invert, at 20°C. (°V.)	−18.4
Polarization, invert, at 87°C. (°V.)	0.0
Ash (per cent)	0.014

Color: Caramel.
Flavor: No indication of peach or honey.
Glucose, saccharin, benzoic acid, salicylic acid: None.
Tartaric acid, citric acid: None detected.

Analysis of drained crystals.

390 grams drained crystals dissolved to 1,000 cc.
Specific gravity of solution, at 19°C., 1.1332=30.84 per cent solids in solution calculated to drained crystals=349.5 grams solids or 89.6 per cent solids present.
Polarization of solution of drained crystals, 26 grams to 100 cc:

Direct, at 20°C. (°V.)	+31.5
Invert, at 20°C. (°V.)	−10.0
Invert, at 87° C. (°V)	0.0
Sucrose, Clerget, in solution of crystals (per cent)	31.3
Sucrose, Clerget, in drained crystals (per cent)	90.9

Adulteration of the article was alleged in the information for the reason that an imitation product artifically colored had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for genuine crystallized peach and honey, which the article purported to be, and for the further reason that said article was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the article was offered for sale and sold under the distinctive name of another article, to wit, "Crystallized Peach & Honey," whereas, in truth and in fact, it was not crystallized peach and honey, but was an imitation product, artifically colored and flavored. Misbranding was alleged for the further reason that the statement, "Crystallized Peach & Honey," borne on the label, was false and misleading, in that it purported and represented the article to be composed of peaches and honey, whereas, in truth and in fact, it was not, but was an imitation thereof as aforesaid. Misbranding was alleged for the further reason that the article was labeled "Crystallized Peach and Honey," so as to deceive and mislead the purchaser thereof into the belief that it was a genuine crystallized peach and honey, whereas, in truth and in fact, it was not, but was an imitation product as aforesaid.

On December 2, 1915, the defendant company entered a plea of guilty to the information, and on December 10, 1915, the court imposed a fine of $50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

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